

In My Opinion MIRACLE FOOD

Rabbi Wein's Weekly Blog

One of the great fantasies of human beings is the search for a miracle food that will heal our ills, prolong our lives and prevent us from gaining weight, no matter how much of it we consume. In addition, we want this food to be appetizing in appearance and taste. Presently there is no food known to mankind that fits this description, and there hasn't been since our ancestors were expelled from the Garden of Eden. We have been promised by experts – those who are always longer on promises and predictions and shorter on actual results – that science is on the verge of producing a pill that can be taken once a day and will provide all necessary nourishment for our daily existence.

I know that this does not sound too appetizing, but it certainly would make life simpler and give us more spare time during the day. Of course, this would destroy all businesses associated with growing, producing and marketing food products worldwide, not to mention all restaurants, but how can we, in good conscience, oppose progress? So, if this miracle food in the form of a pill is ever actually developed, I am certain that there will be many governments in the world that will demand and enforce its usage amongst its population. But alas, this miracle food remains only just over the horizon, so we still have to eat our spinach in order to survive and function.

There was once a time in human history that such a miracle food existed and nourished millions of people for decades. Naturally, I am referring to the miraculous manna from Heaven that sustained the Jewish people during its forty-year sojourn in the desert of Sinai. This miracle food had many characteristics associated with it. Though, in its original raw state, it looked to be a milky white substance with a honey flavor to it, and it was extremely malleable. It could be shaped, cooked, fried, boiled or baked. And it had the unique quality that it could adjust its taste to whatever the eater wished it to be. It was filling yet it produced no human excrement. It certainly was the magic pill searched for by food scientists for ages on end.

But it could not be stored away or frozen for later consumption, as it turned rancid and wormy at the end of each day. It arrived every day fresh and new six days a week with a double portion arriving on Friday to suffice for Shabbat as well. It was a food granted, so to speak, from God Himself to the Jewish people, and it was the main spiritual as well as physical sustenance of Israel during their time in the desert of Sinai. Its existence as a miracle food was apparent to all. And Moshe constantly reminds the people of the miraculous nature of the manna.

What I always find striking is that this miracle food did not find universal popularity amongst the Jewish people. The biblical narrative is replete with numerous incidents where the Jewish people complained loudly and bitterly about the manna. A basic theme in the Torah that runs throughout all their complaints is the fact that the manna was a miraculous food! The human appetite is for meat and fish, vegetables and even pickles, not for miracles.

Miraculous food takes us out of our comfort zone, and instead of being grateful, the Jews were disturbed and even resentful. We surmise that miraculous food is bland tasting to the human palate, for it implies that we are not in control of our own diet, let alone of the course of human history and events. Miracle food contains elements of contradictory behavior on the part of those eating and benefiting from it. The nature of human beings is to want a free lunch, and everyone realizes that a lunch of miracle food can never be free. The miraculous showbread that existed in the Temple in Jerusalem was such that even one morsel sufficed to remove any hunger from the body. But, it never satiated the soul of the priests who ate it, because it was too miraculous for them. So, I am convinced that this magic nutritional pill will not ever be found because deep down in our hearts, we do not want it to exist.

Shabbat shalom

Berel Wein

Weekly Parsha MISHPATIM

Rabbi Wein's Weekly Blog

What I find most striking about this very detailed, mainly legal and technical parsha of the Torah, is the brutal acknowledgement it makes of human nature and its weaknesses. One would think that after the exalted moment when the people of Israel accepted the Torah at Mount Sinai, when humankind finally achieved its highest moral and intellectual level, that the Torah would no longer find it necessary to burden us with laws, details and rules regarding murder, theft, damages, law suits and sexual misconduct.

We should have been led to believe that we are past all that. We are a kingdom of priests and a very holy congregation. Yet, immediately after the lofty description of granting the Torah to Israel at Sinai, it follows immediately with a legal penal code that is based on the worst behavior and attitudes of human beings. The Torah harbors no illusions about human nature. It proclaims to us, at the very beginning of its teachings in Genesis, that the nature and desire of humans is evil from the very first moments of life. In fact, the Torah poses the challenge to overcome the struggle against our own evil impulses and base desires. The Torah was granted to us to serve as a handbook, to instruct us how this is to be accomplished. But the Torah never promised us that this struggle would ever disappear from our human existence.

There are other faiths, social ideas and programs that are based on the idea that human nature can be altered and changed by fiat, legislation, persuasion and, if necessary, even by coercion. Perhaps human behavior can indeed be so controlled, but it cannot be manipulated. It contains many attributes, but it certainly is never to be viewed as being wholly negative in its attitudes and desires. Human nature desires freedom of mind, body and society. It is optimistic and forward looking, it desires continuity of family and nationhood, and it pursues love and well-being.

Human nature desires structure and has a real appreciation of the fleeting gift of time. All these facets of human nature are also exhibited in the rules and laws promulgated in this week's Torah reading. The Torah teaches us that there is no escape from human nature but that the good in our nature – which Lincoln called "our better angels," can make us into the holy people envisioned for us at Sinai.

Part of the nature within us is our longing for immortality and a connection with what is eternal. The laws and rules that appear in this week's Torah reading are meant to help foster that drive for eternity. Jews view these laws and rules as a complementary companion to the Ten Commandments of Sinai and the guidebook for Jewish life and society throughout all the ages of our existence.

Shabbat shalom

Rabbi Berel Wein

Shabbat Shalom: Parshat Mishpatim (Exodus 21:1 – 24:18)

By Rabbi Shlomo Riskin

Efrat, Israel – "If your brother becomes destitute and is then sold to you, you shall not make him work like a slave" (Leviticus 25:39)

If indeed Judaism gave the world the idea and ideal of freedom – "I am the Lord thy God who took thee out of the land of Egypt, the house of bondage" (Exodus 20:2), how can we justify that our Bible accepts the institution of slavery and even legislates proper and improper treatment of slaves? Why didn't our Torah abolish slavery absolutely? If we compare the laws of the Hebrew slave as found in Mishpatim (Exodus 21:2-6) to the laws of the Hebrew slave as found in our reading of Behar (Leviticus 25:39-47), our analysis may lead to a revolutionary idea about how the Bible treated the "slave" altogether! At first blush, the two primary sources appear to be in conflict with each other. The portion of Mishpatim explains that if one purchases a Hebrew slave, he may only be enslaved for six years after which he must be completely freed (Ex. 21:2). Secondly, the owner may provide the slave with a gentile servant as his wife, stipulating that the children will remain slaves of the owner after the Hebrew slave (father) is freed (Ex. 21:4).

And thirdly, if the Hebrew slave desires to remain in bondage longer than the six-year period – "Because he loves his master, his wife, his children" – he may continue to be enslaved until the Jubilee 50th year;

however, he must first submit to having his ear pierced at the doorpost, so that the message of God's dominion ("Hear O Israel the Lord is our God, the Lord is one"), rather than human mastery, is not lost upon him (Ex. 21:5,6).

A very different picture seems to emerge from the passage in Behar. Here the Bible emphasizes the fact that we are not dealing with slavery as understood in ancient times, a specific social class of slaves who were captured in war or whose impoverishment caused them to be taken advantage of.

Rather, our Torah insists that no human being may ever be reduced to servitude, no matter his social or financial status.

At worst, he must be hired like a hired residential worker with you, and "he shall work with you until the jubilee 50th year. Because they [these hired residential workers] are [also no less than you,] my servants whom I have taken out of the land of Egypt; they may not be sold as one sells a slave. You shall not rule over them harshly; you must fear your God" (Lev. 25:43). You are not to have slaves, our text is proclaiming; you are merely to have hired residential workers! And upon examining our text in Behar, we find a number of interesting differences between this passage and the text in Exodus. First of all, in our portion there doesn't seem to be a time limit of six years; the length of time of employment would seem to depend upon the contract between employer and employee.

Second, this passage doesn't seem to mention anything about the employer providing a gentile servant as wife. And thirdly, our text does not ordain piercing of the ear for a longer stay of employment, and it does tell us in no uncertain terms that our Bible does not compromise with slavery! It only provides for hired residential workers.

The Talmud – which transmits the Oral Law, some of which emanated from Sinai and some of which is interpreted by the Sages (100 BCE – 800 CE) – teaches that each of these biblical passages is dealing with a different kind of "servant" (B.T. Kiddushin 14a): The first (in Mishpatim) is a criminal who must be rehabilitated, a thief who doesn't have the means to restore his theft to its proper owner. Such an individual is put "on sale" by the religious court, whose goal is to guide a family toward undertaking the responsibility of rehabilitation.

After all, the criminal is not a degenerate, his crime is not a "high risk" or sexual offense, and it is hoped that a proper family environment which nurtures and provides gainful employment (with severance pay at the end of the six-year period) will put him back on his feet. He is not completely free since the religious court has ruled that he must be "sold," but one can forcefully argue that such a "familial environment/halfway house" form of rehabilitation is far preferable to incarceration.

The family must receive compensation – in the form of the work performed by the servant as well as the children who will remain after he is freed – and the criminal himself must be taught how to live respectfully in a free society. And, if the thief does not trust himself to manage his affairs in an open society, he may voluntarily increase his period of incarceration-rehabilitation.

The second passage in Behar deals with a very different situation, wherein an individual cannot find gainful employment and he is freely willing to sell the work of his hands. The Bible here emphasizes that there is absolutely no room for slavery in such a case; the person may only be seen as a hired, residential laborer, who himself may choose the duration of his contract; his "person" is not "owned" in any way by his employer. Hence, he cannot be "given" a wife, and of course any children he may father are exclusively his children and not his employer's children!

Shabbat Shalom!

We will do and we will hear (Mishpatim 5780)

Rabbi Jonathan Sacks

Two words we read towards the end of our parsha – na'aseh ve-nishma, "We will do and we will hear" – are among the most famous in Judaism. They are what our ancestors said when they accepted the covenant at Sinai. They stand in the sharpest possible contrast to the complaints,

sins, backslidings and rebellions that seem to mark so much of the Torah's account of the wilderness years.

There is a tradition in the Talmud[1] that God had to suspend the mountain over the heads of the Israelites to persuade them to accept the Torah. But our verse seems to suggest the opposite, that the Israelites accepted the covenant voluntarily and enthusiastically:

Then [Moshe] took the Book of the Covenant and read it to the people. They responded, "We will do and hear [na'aseh ve-nishma] everything the Lord has said." (Ex. 24:7)

On the basis of this, a counter tradition developed, that in saying these words, the assembled Israelites ascended to the level of the angels.

Rabbi Simlai said, when the Israelites rushed to say "We will do" before saying "We will hear," sixty myriads of ministering angels came down and fastened two crowns on each person in Israel, one as a reward for saying "We will do" and the other is a reward for saying "We will hear." Rabbi Eliezer said, when the Israelites rushed to say "We will do" before saying "We will hear" a Divine voice went forth and said: Who has revealed to My children this secret which only the ministering angels make use of?[2]

What, though, do the words actually mean? Na'aseh is straightforward. It means, "We will do." It is about action, behaviour, deed. But readers of my work will know that the word nishma is anything but clear. It could mean "We will hear." But it could also mean, "We will obey." Or it could mean "We will understand." These suggest that there is more than one way of interpreting na'aseh ve-nishma. Here are some:

[1] It means "We will do and then we will hear." This is the view of the Talmud (Shabbat 88a) and Rashi. The people expressed their total faith in God. They accepted the covenant even before they heard its terms. They said "we will do" before they knew what it was that God wanted them to do. This is a beautiful interpretation, but it depends on reading Exodus 24 out of sequence. According to a straightforward reading of the events in the order in which they occurred, first the Israelites agreed to the covenant (Ex. 19:8), then God revealed to them the Ten Commandments (Ex. 20), then Moses outlined many of the details of the law (Ex. 21-23), and only then did the Israelites say na'aseh ve-nishma, by which time they had already heard much of the Torah.

[2] "We will do [what we have already been commanded until now] and we will obey [all future commands]." This is the view of Rashbam. The Israelites' statement thus looked both back and forward. The people understood that they were on a spiritual as well as a physical journey and they might not know all the details of the law at once. Nishma here means not "to hear" but "to hearken, to obey, to respond faithfully in deed."

[3] "We will obediently do" (Sforno). On this view the words na'aseh and nishma are a hendiadys, that is, a single idea expressed by two words. The Israelites were saying that they would do what God asked of them, not because they sought any benefit but simply because they sought to do His will. He had saved them from slavery, led and fed them through the wilderness, and they sought to express their complete loyalty to Him as their redeemer and lawgiver.

[4] "We will do and we will understand" (Isaac Arama in Akeidat Yitzchak). The word shema can have the sense of "understanding" as in God's statement about the Tower of Babel: "Let us, then, go down and confound their speech there, so that they shall not understand [yishme'u] one another's speech" (Gen. 11:7). According to this explanation, when the Israelites put 'doing' before 'understanding', they were giving expression to a profound philosophical truth. There are certain things we only understand by doing. We only understand leadership by leading. We only understand authorship by writing. We only understand music by listening. Reading books about these things is not enough. So it is with faith. We only truly understand Judaism by living in accordance with its commands. You cannot comprehend a faith from the outside. Doing leads to understanding.

Staying with this interpretation, we may be able to hear a further and important implication. If you look carefully at Exodus chapters 19 and 24 you will see that the Israelites accepted the covenant three times. But

the three verses in which these acceptances took place are significantly different:

The people all responded together, "We will do [na'aseh] everything the Lord has said." (Ex. 19:8)

When Moses went and told the people all the Lord's words and laws, they responded with one voice, "Everything the Lord has said we will do [na'aseh]." (Ex. 24:3)

Then [Moses] took the Book of the Covenant and read it to the people. They responded, "We will do and hear [na'aseh ve-nishma] everything the Lord has said." (Ex. 24:7)

Only the third of these contains the phrase na'aseh ve-nishma. And only the third lacks a statement about the people's unanimity. The other two are emphatic in saying that the people were as one: the people "responded together" and "responded with one voice." Are these differences connected?

It is possible that they are. At the level of na'aseh, the Jewish deed, we are one. To be sure, there are differences between Ashkenazim and Sefardim. In every generation there are disagreements between leading poskim, halachic authorities. That is true in every legal system. Poor is the Supreme Court that leaves no space for dissenting opinions. Yet these differences are minor in comparison with the area of agreement on the fundamentals of halachah.

This is what historically united the Jewish people. Judaism is a legal system. It is a code of behaviour. It is a community of deed. That is where we require consensus. Hence, when it came to doing – na'aseh – the Israelites spoke "together" and "with one voice." Despite the differences between Hillel and Shammai, Abaye and Rava, Rambam and Rosh, R. Yosef Karo and R. Moshe Isserles, we are bound together by the choreography of the Jewish deed.

At the level of nishma, understanding, however, we are not called on to be one. Judaism has had its rationalists and its mystics, its philosophers and poets, scholars whose minds were firmly fixed on earth and saints whose souls soared to heaven. The Rabbis said that at Sinai, everyone received the revelation in his or her own way:

"And all the people saw" (Ex. 20:15): the sounds of sounds and the flames of flames. How many sounds were there and how many flames were there? Each heard according to their own level of understanding what they were experiencing", and this is what it means when it says (Ps. 29:4) "the voice of the Lord in power, the voice of the Lord in majesty.[3]

What unites Jews, or should do, is action, not reflection. We do the same deeds but we understand them differently. There is agreement on the na'aseh but not the nishma. That is what Maimonides meant when he wrote in his Commentary to the Mishnah, that "When there is a disagreement between the Sages and it does not concern an action, but only the establishment of an opinion (sevarah), it is not appropriate to make a halachic ruling in favour of one of the sides." [4]

This does not mean that Judaism does not have strong beliefs. It does. The simplest formulation – according to R. Shimon ben Zemach Duran and Joseph Albo, and in the twentieth century, Franz Rosenzweig – consists of three fundamental beliefs: in creation, revelation and redemption.[5] Maimonides' 13 principles elaborate this basic structure. And as I have shown in my Introduction to the Siddur, these three beliefs form the pattern of Jewish prayer.[6]

Creation means seeing the universe as God's work. Revelation means seeing Torah as God's word. Redemption means seeing history as God's deed and God's call. But within these broad parameters, we must each find our own understanding, guided by the Sages of the past, instructed by our teachers in the present, and finding our own route to the Divine presence.

Judaism is a matter of creed as well as deed. But we should allow people great leeway in how they understand the faith of our ancestors. Heresy-hunting is not our happiest activity. One of the great ironies of Jewish history is that no one did more than Maimonides himself to elevate creed to the level of halachically normative dogma, and he became the first victim of this doctrine. In his lifetime, he was accused of heresy, and after his death his books were burned. These were shameful episodes.

"We will do and we will understand," means: we will do in the same way; we will understand in our own way.

I believe that action unites us, leaving us space to find our own way to faith.

Shabbat Shalom

Reasons For Our Minhagim

Wearing Disguises

8583. It is customary to disguise oneself on Purim. Some even allowed a man to dress in women's clothing and vice versa, "because their intention is only for the purpose of rejoicing". (Rema)

8584. Several reasons are given by our sages;

A) The Gemara in Mes. Megillah (12a) states that when the Jews bowed to the idol of Nebuchadnetzar, they did it only appearances' sake - they did not worship the idol. Hashem likewise only acted toward them (by punishing them with Haman's decree) for appearances' sake.

B) To protect the honor of the poor who may be too embarrassed to openly request charity. It is easier for them to collect charity when disguised.

C) Several disguises are mentioned in Megillah Esther; 1. "Esther did not tell of her people and her family." (2:10). 2. "Mordechai tore his clothing and put on sackcloth." (4:1). 3. "The man who the kings especially wants to honor, bring a royal robe." (6:7). 4. "Bigas and Seresh were Tyrsians and did not now that Mordechai understood their conversation because he knew 70 languages." (Megillah 13b).

D) Eliyah Hanavi disguised himself as Charvona and said to Achashveirosh when he became enraged at Haman "behold the tree which Haman prepared for Mordechai who spoke good for the King, is ready." (Pirkei D'Rebbi Eliezer ch3).

Rema OC 696:8, Sefer Haminhagim 892 citing Bei Yisasschor, Kol Minhagei Yeshurun 50:3, Purim L'R Tzadok Hakohen p97, Otzar Taanei Haminhagim

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Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

Parsha Insights

Rights and Obligations

When you lend money to My people (22:24)

I live in a city of kindness.

In Jerusalem, if your daughter suddenly becomes engaged and you don't have a bottle of whisky to make the customary l'chaim with family and friends, don't worry, look in the phone book and call the gemach! (A gemach is a free loan organization.) You'll be able to borrow a bottle of Johnny Walker black label (could even be gold but I don't think they stretch to green or blue). Later on, just replace what you took. No charge. There are gemachs for everything under the sun.

Let's say it's Shabbat, the drugstores are closed and you need a certain unusual antibiotic. No problem. There are people with gemachs of medicines in their homes that rival a commercial drugstore. There are gemachs for clothes, chairs, cameras, tapes, tables, telephones, money, free advice hotlines, mezuzahs, tefillin, bridal outfits, wigs, cooking gas cylinders, baby strollers, cribs, lactation pumps, drills, saws and other tools, embroidered cushions to bring a Jewish baby to the arms of the Sandek for his brit milah. In fact, I have a friend who has a talent for dreaming up new gemachs for people.

And Jerusalem isn't alone in its kindness. Many, many cities share this distinction. We are a kind people. It's in our genes.

Gemach is an acronym for Gemilut Chassadim, the bestowing of loving-kindness. In Judaism you are what you do. Kindness is not a spectator sport. Being kind means doing kindness.

There is no word for charity in Hebrew. Look up the word for charity in the English/Hebrew dictionary and you'll find the word tzedaka. Tzedaka doesn't mean charity. It means righteousness. There's no such thing as a Robin Goodfellow in Jewish thought. We believe a person

who gives charity doesn't deserve a slap on the back. Someone who doesn't give charity deserves a slap on the wrist.

If you look in the written Torah, you'll be hard pressed to find a single mention of the word "rights". Obligations of these, the Torah is full. Look at this week's Torah portion: obligations of a master to a slave; the obligations of a child to its parents; of a pupil to his teacher and vice versa; of a community to the poor; of the individual to the community; obligations to the orphaned, to the sick, to the convert; the obligations of man to G-d. Rights, however, are something that the Torah hardly mentions. Why?

Because to the extent that I have obligations, you don't need rights.

You can construct a legal system that spells out peoples' rights or you can write a code that lists their obligations: All men are created equal and endowed by their Creator with certain inalienable rights comes to the same thing as And these are the laws that you should put before them. The end result will be the same, but with one big difference.

A system that focuses on rights breeds a nation of takers. One that focuses on obligations creates a nation of givers.

Linguistic idiom reveals national character. In English, we say "My duty calls." Meaning, I start off unencumbered by obligation. My obligation calls to me. I am over here and my duty is over there. If I'm a good person I will heed that call. But still, my duty calls. I have to go to it. In the Holy Tongue we talk about a person being yotzei chovoto, literally going out from his obligation. In other words, a Jew starts off by being obligated. He doesn't have to go anywhere or heed any call. Life and obligation are synonymous.

There are three places in the Torah where the Hebrew word *im* is not translated by its usual meaning if but when. One of those is in this week's Torah portion:

"When you lend money to My people."

Lending money to the poor is not optional, it's obligatory.

What reads like an if to the rest of the world, to the people of G-d is a when.

Sources: Rashi; Rabbi Uziel Milevsky, zatzal

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Parshas Mishpatim: Responsibility

Rabbi Dr. Tzvi Hersh Weinreb

I have to thank my dear parents, may they rest in peace, for many things. I must especially thank them for having chosen to provide me with a yeshiva day school education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All this from a grade school introductory course in Talmud!

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

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

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

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Chief Rabbi Ephraim Mirvis

Dvar Torah: Mishpatim

The Torah on honesty in financial matters.

A social worker in Jerusalem told me about a teenage boy who was caught stealing milk at a store. He was hauled before the Jerusalem juvenile court and just before judgement was passed the judge, a compassionate man, said to the lad "tell me, why did you have to steal

the milk? Were you thirsty?" The lad replied, "not at all, I had just had a meaty meal there is no way I would drink that milk!" (He was more concerned about the prohibition against mix-ing meat and milk than the prohibition against theft.)

The commencement of Parshat Mishpatim addresses such a phenomenon. 'V'ele hamishpatim asher tasim lifneihem' Hashem says to us 'these are the ordinances which you shall place before them'.

'Lifneihem – before them' – what exactly does that mean? Rashi says 'k'shulchan ha'aruch' – we need to place these laws before the people just like a table which is prepared for people to eat at it. Rav Moshe Leib of Sassov says something really beautiful. He says actually what Rashi is getting at is that when we sit down to a meal, we will always enquire 'where's the food from? Who was the mashgiach? And which religious authority was it prepared? How many stringencies were included in the preparation of this food? Can I really allow it to pass my lips? In the same way, as we are naturally so strict with regards to the food we eat, so to we should equally be strict with all the 'Mishpatim' – the monetary laws which are presented to us in Parshat Mishpatim. Any person who is committed to fulfilling the word of Hashem should be absolutely scrupulous with regard to all financial matters.

You can take this one step further. Rav Yosef Karo when he wrote his masterpiece on Jewish law – the authoritative guide to Halacha to this day – the Shulchan Aruch, took the title from this Rashi. All of Jewish law, Rav Yosef Karo is suggesting, is like a table that is laid before us. In the same way we are strict with regards to Kashrut, so to we should be strict in every respect. Just as it matters to us deeply whether we are meaty or milky, so to we should be concerned to be strict in every aspect of Halacha.

Shabbat Shalom

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Rabbi Zvi Sobolofsky

When Majority Does Not Rule

Rav Yonasan Eibeschutz was approached by someone with a challenging question. We learn in Parshas Mishpatim that we are supposed to follow the majority opinion in deciding the outcome of a court case. If so, why do we continue to observe Torah and mitzvos? Most of the world doesn't follow Torah and mitzvos, why should we? Rav Yonasan Eibeschutz responded that the question assumed a misunderstanding of the principle of following the majority. There are many times when we reach a halachic conclusion based on following a majority. One famous application is a case where it is unclear if a piece of meat came from a kosher or a non-kosher store. Following certain halachic parameters, the meat is permissible if the majority of the possible stores that it came from are kosher. We are able to follow the majority because we have a doubt. However, if we know for sure that the meat came from a non-kosher store, then it would be absurd to permit it based on the majority of kosher stores. Similarly, we have absolutely no doubt as to the truth of the Torah. The concept of following the majority opinion is only relevant for one who does not personally know the truth. We are absolutely certain about the truth of Hashem's Torah and therefore, even if we are in the minority, we remain confident in our knowledge of the truth.

Rav Elchanan Wasserman commented on this sharp response of Rav Yonasan Eibeschutz that although it is certainly correct, one can suggest another approach for why we shouldn't be swayed by the majority opinion of the world around us. We are taught in Parshas Mishpatim that one who receives a bribe is disqualified to serve as a judge; once one receives a bribe, his opinion can never be trusted. Similarly, in matters of belief, one who's judgement has been clouded can no longer be trusted to arrive at truthful conclusions. The bribery in this area that disqualifies one's opinion is the indulgence in this world, and the pursuit of honor and materialistic wealth. Thus, argued Rav Elchanan Wasserman, the only ones who can be trusted to express an "opinion" about the truth of Torah are those whose vision has not been tainted. The

unanimous view amongst such untainted people is the obvious conclusion, i.e. that Hashem and His Torah are true.

Both Rav Yonasan Eibeschutz and Rav Elchanan Wasserman's answers to the challenge of why we don't follow the majority of the world in its philosophy and values are reaffirmed twice daily in Shema. In the third parsha of Shema, we are commanded not to be led astray by our hearts or our eyes. Chazal comment that following our heart refers to matters of faith, and following our eyes refers to matters of physical indulgence. The challenge of our hearts is the challenge of uncertainty.

We are warned not to succumb to doubts in our faith in Hashem and His Torah. Notwithstanding the fact that world around us doesn't believe in these truths, we wholeheartedly affirm that they are in fact true and that the basic tenants of the Torah are correct beyond the shadow of a doubt. Since we are not in doubt, the concept of following the majority is not relevant and there is no reason to be swayed by those around us who do not believe in these truths.

We are also commanded to not be influenced by the temptations of this world. To remain true believers in the Torah we have to make sure our vision is not clouded by the "bribery" of indulgence. It is through our adherence to the message of Rav Elchanan Wasserman that we can remain certain of the truth of Torah and thereby not follow the majority of the rest of the world.

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***Drasha Parshas Mishpatim
Rabbi Mordechai Kamenetzky***

Dedicated to the speedy recovery of Mordechai ben Chaya

This parsha is called Mishpatim. Simply translated it means ordinances. The portion entails laws that deal with various torts and property damages. It discusses laws of damages, of servitude, of lenders and borrowers, employers and laborers, laws of lost items and the responsibilities of the finder. Many of these mitzvos that are discussed in the section of Shulchan Aruch Choshen Mishpat. But there are quite a few mitzvos mentioned that engage the purely spiritual quality of the Jew. Some of them deal with kosher restrictions, others with our relationship with the Almighty.

One verse that deals with the requirement of shechita (ritual slaughter) begins with a prelude regarding holiness. "People of holiness shall you be to Me; you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it (Exodus 22:30). The question is simple. There are many esoteric mitzvos whose only justifiable reason is spiritual. Why does the Torah connect the fact that Jews should be holy with their prohibition of eating meat that was torn as opposed to ritually slaughtered? There are myriad mitzvos that require self-control and abstention. Can there be another intonation to the holiness prelude?

(I heard this amazing story a number of years ago from a reliable source; I saved it until I was able to use it as an appropriate parable to answer a scriptural difficulty. I hope that this is it!)

Dovid, a serious yeshiva student, boarded the last flight out of Los Angeles on his way back to his Yeshiva in New York. He was glad that they were going to serve food as he had left his home in a rush and did not get a chance to eat supper. Sitting next to him on the airplane, was a southern fellow who knew little about Judaism, and considered Dovid a curiosity. As the plane flew eastward, he bantered with Dovid about Jews, religion and the Bible, in a poor attempt to display his little bits of knowledge. Hungry and tired Dovid humored him with pleasantries and not much talking. He was pleased when his kosher meal was finally served. The kosher deli sandwich came wrapped in a plastic tray, and was sealed with a multiple array of stickers and labels testifying to its kosher integrity. His new-found neighbor was amused as Dovid struggled to break the myriad seals and reveal the sandwich, which unbelievably looked just as appetizing as the non-kosher deli sandwich the airline had served him.

"Hey," he drawled, "your kosher stuff doesn't look too bad after all!" Dovid smiled and was about to take his first bite into the sandwich when he realized that he had to wash his hands for the bread. He walked to the

back of the plane to find a sink. It took a little while to wash his hands properly, but soon enough he returned to his seat. His sandwich was still on his tray, nestled in its ripped-open wrapping, unscathed.

And then it dawned upon him. There is a rabbinic ordinance that if unmarked or unsealed meat is left unattended in a gentile environment, it is prohibited to be eaten by a Jew. The Rabbis were worried that someone may have switched the kosher meat for non-kosher.

Dovid felt that in the enclosed atmosphere of an airplane cabin, nothing could have happened. After all, no one is selling meat five miles above earth, and would have reason to switch the meat, but a halacha is halacha, the rule is a rule, and Dovid did not want to take the authority to overrule the age-old Halacha.

Pensively he sat down, made a blessing on the bread and careful not to eat the meat, he took a small bite of the bread. Then he put the sandwich down and let his hunger wrestle with his conscience. "Hey pardner," cried his neighbor, "what's wrong with the sandwich?"

Dovid was embarrassed but figured; if he couldn't eat he would talk. He explained the Rabbinic law prohibiting unattended meat and then added with a self-effacing laugh, "and though I'm sure no one touched my food, in my religion, rules are rules."

His neighbor turned white. "Praise the L-rd, the Rabbis, and all of you Jewish folk!" Dovid looked at him quizzically.

"When you were back there doin' your thing, I says to myself, "I never had any kosher deli meat in my life. I thought I'd try to see if it was as good as my New York friends say it is!

Well I snuck a piece of pastrami. But when I saw how skimpy I left your sandwich, I replaced your meat with a piece of mine! Someone up there is watching a holy fellow such as yourself!"

The Pardes Yosef explains the correlation of the first half of the verse to the second with a quote from the Tractate Yevamos . The Torah is telling us more than an ordinance. It is relating a fact. "If you will act as a People of holiness then you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it. The purity of action prevents the mishaps of transgressions. Simple as that. Keep holy and you will be watched to ensure your purity. Sealed and delivered.

Good Shabbos

Best wishes to the Bergman Family of Flatbush thank you for your kind compliments.

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Rav Frand - Parshas Mishpatim

Ethical Laws & Ritual Laws - They're All G-d's Laws

The opening pasuk of the parsha reads, "And these are the judgments (v'Eleh haMishpatim) that you shall place before them." [Shemos 21:1]. Rashi comments: Wherever we find the word Eleh (these) without the prefix "v" (and), it implies rejection of that which had been stated previously (i.e., "these, but not those"). Wherever it says v'Eleh (and these) (as it does here), it adds on to that which has been stated previously (i.e., "not only those, but these as well").

Rashi explains that in this context, the "vov prefix" is coming to specify that not only those earlier mitzvos mentioned in Parshas Yisro (the "Ten Commandments") are from Sinai, but these civil laws mentioned in Parshas Mishpatim are from Sinai as well.

The question is, is this not obvious? Why does the Torah need to tell us this? Why do I need this extra letter in the Torah to teach us this "novelty" (chiddush)? Might I have thought that these laws in Parshas Mishpatim are not of Sinaitic origin

There are different answers given to this question. I would like to share a beautiful idea that Rav Hutner, zt"l, writes in his Pachad Yitzchak on Shavuos (Ma'amar 41). This Chazal is teaching us that we should not think there is something more religious or more spiritual regarding the commandments between man and G-d than regarding those between

man and his fellow man. The overwhelming majority of laws in Parshas Mishpatim deal with mitzvos Bein Adam l'Chaveiro (societal obligations). Mishpatim contains very "mundane mitzvos": My ox gores your ox; I ask you to watch my wallet; you find my pen. These are literally basic laws of interpersonal relationships.

Someone could perhaps think that "religion" only involves laws between man and G-d. If someone asks the "man on the street" to define "religious law," he no doubt would say, "religion is about praying to G-d; religion is about believing in G-d; religion is about theology." What about returning a wallet? What is that? "That is not religion. Maybe it is being a nice person; maybe it is being a good citizen; maybe it is being a fool! But it is not religion! Religion involves the Church or the Synagogue. Religion is about G-d."

The Torah's approach is different. "Just as those (the "Ten Commandments") are from Sinai, so too these ("mundane laws of civil behavior") are from Sinai. The consequences of my ox goring yours is as much about the Word of G-d and Torah from Heaven as "I am the L-rd your G-d..." The same attention, detail, and meticulousness that a person places on to how he bakes matzah should be given to how we talk about another person and how we treat another person.

Rav Hutner buttresses this idea by citing another passage at the end of this parsha. "To Moshe He said, 'Go up to Hashem, you, Aharon, Nadav, and Avihu and seventy of the elders of Israel, and you shall prostrate yourselves from a distance..." [Shemos 24:1] The last passage of Mishpatim describes the covenant entered into between the Almighty and Klal Yisrael the day preceding Matan Torah (Giving of the Torah).

"He sent the youths of the Children of Israel and they brought up olah-offerings, and they slaughtered bulls to Hashem as peace-offerings to Hashem." [Shemos 24:5] There is a whole ceremony. "Moshe took half the blood and placed it in basins, and half the blood he sprinkled upon the altar." [Shemos 24:6] "He took the Book of the Covenant and read in earshot of the people, and they said, 'Everything that Hashem has said, we will do and we will obey'" [Shemos: 24-7]. These famous words – Na'aseh v'Nishmah – occur over here in Parshas Mishpatim, which chronologically occurred prior to the giving of the Asseres Hadibros ("Ten Commandments") (even though the Asseres Hadibros are recorded in the preceding parsha of Yisro). Then we have the formal execution of the covenant: "Moshe took the blood and sprinkled it upon the people, and he said, 'Behold the blood of the covenant that Hashem sealed with you concerning all these matters.'" [Shemos 24:8]

Rashi comments (verse 6) on the words "And Moshe took half the blood" – "Who divided it in half? An angel came and divided it." Why could Moshe Rabbeinu not have done this? He could have taken two cups and poured roughly equal amounts of blood into each cup and he would have the blood divided half and half. Okay, so he may have been a fraction of an ounce off one way or another, but who cares?

No! An angel of G-d came and divided the blood! Why an angel? The answer is because the blood had to be divided precisely. We hold that human beings cannot be exact (see efshar l'tzamzem [Gittin 78a]) in their measuring. Only angels can be exact. Why was it so important to be exact? Because half the blood went on the Mizbayach and half the blood went on the people. The blood on the Mizbayach represented the part of the covenant symbolizing the commandments "between man and G-d"; the blood sprinkled on the people represented the part of the covenant symbolizing the commandments "between man and his fellow man." These two halves need to be exact because these two components of Torah law are exactly equal in importance! Just as these are from Sinai, so to these are from Sinai!

Rav Hutner also points out something interesting about the way that the word Luchos ("Tablets" referring to the Tablets of Stone that contain the Asseres Hadibros) is written in the Torah. We always call them "Shnei Luchos" – the two Tablets. However, each of the six times the word appears (Shemos 24:28; Devorim 9:9 (twice); Devorim 9:10; Devorim 9:15; Devorim 10:1), it appears without a second vov – Lamed, Vov, Ches, Taf (rather than Lamed, Vov, Ches, Vov, Taf). The Ksiv (the way it is written in the Torah) is Luchas – as though it refers to a singular Luchas – (one) Tablet! The message is that it IS one tablet! The laws of

Bein Adam L'Chaveiro and Bein Adam L'Makom merge, as it were, into a single set of equally Divinely-ordained requirements of the Jewish religion.

People are meticulous to the nth degree when it comes to mitzvos bein Adam l'Makom. We have a Mishneh Berura with small paragraphs (s'if katans) and super-commentaries (e.g. – Sh'ar haTzions) and people follow the “letter of the law” without deviating from it a hair's breadth. Unfortunately, this meticulousness is not always as strong regarding commandments between man and man. However, in reality, it is all has the same level of importance.

Rav Hutner writes, as is his style (k'darko b'Kodesh), that the Mishna Berura, which occupies so much of our lives, was written by the Chofetz Chaim. The Chofetz Chaim (Rav Yisrael Meir Kagan) was a prolific author. His two other most-famous works are Shmiras HaLashon and Sefer Chofetz Chaim, about the laws of guarding one's tongue and avoiding slander.

It is no coincidence that both the laws of daily ritual observance (Mishna Berura commentary to Shulchan Aruch Orach Chaim) and the laws regarding proper speech were written by the same person. The same precision in mitzvos regarding how we bake matzah or how to make tzitsis or how to write the letters of Tefillin—that same precision needs to be applied to laws between man and his fellow man. The Chofetz Chaim wrote a whole sefer—Ahavas Chessed (Love of Kindness)—describing these law in meticulous detail.

Rav Hutner writes that the Mishna Berura (involving ritual law) and the other volumes the Chofetz Chaim wrote regarding laws between man and man “came from the same quill and from the same heart.” They came from the same author, the very same individual.

He begins this piece by pointing out a historical anomaly. At least in the Yeshiveshe-Litvishe world, the person who gets credit for putting the Torah's laws between man and man “back on the map” of halachic concern was Rav Yisrael Salanter. He put great emphasis on these matters. There is a famous story with Rav Yisrael Salanter. When he was too old to himself go and bake matzahs, the students who were going to go bake for him inquired, “So, what are your hidurim (exceptionally pious requirements) regarding baking matzahs?” He replied, “Make sure not to yell at the woman who cleans up the place between every baking because she is a widow and you should not violate the prohibition of oppressing widows and orphans [Shemos 22:21].” This incident says it all about Rav Yisrael Salanter.

Rav Hutner notes that Rav Yisrael Salanter's Yahrzeit always falls out during the week of Parshas Mishpatim—because this was the essence of his Torah philosophy: The laws of Mishpatim. This is Toroso shel Rav Yisrael Salanter.

Ritual Laws relating to G-d and Ethical Laws relating to our fellow man—they are all in the same Shulchan Aruch. They were all on the same Tablets of the Covenant. They all require the same meticulous observance and attention to detail.

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Shema Yisrael Torah Network
Peninim on the Torah - Parshas Mishpatim
פרשת משפטים תשפ

ובשביעית יצא לחפשי חנם

And in the seventh, he shall go free, for no charge. (21:2)

Overcome with economical woe, a Jew ignores the degradation that he will bring upon himself and resorts to theft to elevate himself from his sorrowful economic state. He is caught, and found lacking in funds with which to make restitution. As a result, he is sold into slavery. In the event that the value of the theft equals or exceeds the estimated value of his six years of work, he is sold as a bondsman. Jewish slavery is unlike any other form of restriction of personal freedom. The Jewish bondsman is treated quite well. Nonetheless, he is still a slave, and, as such, he has limited freedom.

The Torah refers to the bondsman as an *eved Ivri*, Hebrew slave, rather than *Yehudi*, the more exalted designation that continues to serve as our identity as a nation. Furthermore, the idea of fixing his service to just six years, and granting the seventh year the power of catalyzing his freedom, seems to be more symbolic than rational. While in most aspects of this period of slavery the bondsman is treated with dignity, in one instance this man is meant to feel denigrated. This is the law that permits the master to give him a heathen slave-girl as a “wife” for the duration of his servitude, after which the wife and whatever children she bears remain with the master. Apparently, this man's plunge into spiritual ignominy must be expunged through a self-awareness of the degree of his descent. Losing *Yehudi* status and being allowed to liaison with a non-Jewish woman drives home the notion that he is as distant from Judaism as his wife, and his national affiliation plunges to that of the period preceding the Giving of the Torah. What about the “six” years of servitude, followed by the “seventh” year, generates his freedom? How does this fit into the equation?

In almost parallel expositions, the *Nesivos Shalom* and *Horav S. R. Hirsch, zl*, examine the *eved Ivri* from a perspective which instructs us concerning our personal *avodah*, service, to the Almighty. The *eved Ivri* symbolizes the Jew who has fallen from his spiritual level and is now in dire need of *tikkun*, spiritual repair. No Jew is forgotten. No Jew is left to wallow alone in spiritual defilement. Every Jew has an opportunity to return and find a remedy for his spiritual estrangement.

The fall to sin of the *Eved Ivri* is alluded to by the six years of servitude, as six is the number (six work days) which symbolizes the purely material, physical world. In order to achieve restitution of that which was lost by his sinful activity, he must subordinate his “six” to work himself up to “seven,” the symbol of *Shabbos*. During the precious *Shabbos*, his soul can regain its original brilliance. The light of *Shabbos* penetrates into the darkest and coldest hearts and resuscitates them, elevating the Jew from the nadir of depravity and returning him to the apex of spiritual luster. Even the Jew who has submerged and lost himself in the “deep six” can, through the *kedushas* *Shabbos*, the holiness of *Shabbos*, rise to his designated pinnacle. Once the slave leaves his master, he will leave with a reminder of caution: Beware of the “six” of materialism and physicality to which you have been enslaved, and focus on the “seven” of *kedushah* to which you were created to live.

I have taken the liberty of melding together the ideas which *Rav Hirsch* and the *Nesivos Shalom* expounded in order to convey the message that “*Shabbos* saves.” How does this phenomenon occur? How do we bring back every Jew who has alienated himself from the Torah-way, just by living, experiencing and observing *Shabbos*? I turn to the *Nesivos Shalom*. *Shabbos* comes to us in a variety of ways. For some, it comes weekly, while, for the saintly few, the entire week is focused on *Shabbos*. Sadly, some individuals experience that awakening after seven long years, and others who never (never say never) have to wait for *Yovel*, the Jubilee year – once in a lifetime – to have the opportunity to find a remedy for their spiritual angst. Everyone, however, is afforded that chance to return.

How does it work? The full complement of *Shabbos kedushah* and its therapeutic effect is achieved through *ahavah*, love. We serve Hashem on *Shabbos* with the attribute of love – complete, total, unabashed, unrestricted love of Hashem. As long as one cannot sever his love for the earthly, and materialistic, so that he gives to Hashem only the leftovers, the light of *Shabbos* will not illuminate him. Hashem wants us to repair our breach and return it to Him. *Shabbos* can be that vehicle, if we are prepared to submerge ourselves totally in its holiness.

כי יתן איש אל רעהו כסף או כלים לשמר

If a man shall give money or vessels to his fellow to safeguard. (22:6)

Our *parsha* presents the laws concerning people who are entrusted to safeguard someone else's property. If the *pikadon*, object (money or vessels) is lost, stolen or damaged, the liability of the *shomer*, custodian, varies according to the degree of his responsibility. For example, one who receives no compensation (*shomer chinam*) is responsible only if he had been in the position of safeguarding the article

in his charge. One who receives compensation (*shomer sachar*) or a leasor (*socheir*) is responsible for loss or theft, unless it occurred in a situation beyond his control, an *oneis*. A borrower (*shoel*) is responsible under all conditions. This *dvar Torah* concerns itself with the *shomer chinam*, uncompensated watchman, who is liable to pay only in the event that he has been negligent in safeguarding the charge entrusted to him.

A *talmid chacham*, Torah scholar, was entrusted with funds belonging to a *yesamah*, orphaned girl. He was traveling, and, during his trip, was accosted by thieves who relieved him of the girl's funds. When the incident was brought before the *rav* of the community, the *rav* asked the *shomer (chinam)* if he had recited *tefillas haderech*, wayfarer's prayer, prior to (or during) his trip. The scholar thought for a moment and realized that he had not. This was the first time that, due to the rush, he had neglected to recite the prayer. The *rav* listened, yet decided that the girl's money was lost due to negligence on the part of the *shomer*: "Any person who leaves for a trip must recite *tefillas haderech*. One who has in his possession funds belonging to an orphan certainly must do so. If he did not, he is negligent and must pay."

Horav Moshe Barzani, Shlita (grandson of the *Steipler Gaon*), relates that when he related this *psak*, (*halachic* decision, to his uncle, *Horav Chaim Kanievesky, Shlita*, he concurred with the decision of the *rav*. He even added his own vignette. If the funds were held in the home of the *shomer*— and the *shomer* had a *mezuzah* that was *pasul*, declared *halachically* unfit — and were stolen, the *shomer* must pay. He was negligent, since the house did not have proper *shemirah*, safeguarding.

Horav Yitzchak Zilberstein, Shlita, takes these decisions one step further, based on an incident that occurred concerning the *Baruch Taam, Horav Baruch Frankel – Teomim, zl* (father-in-law of the *Sanzer Rav, Horav Chaim Halberstam, zl*). Apparently, one of the city's wealthy layman had a *din Torah*, case of litigation, before the *Rav*, and he lost. He opened up a foul mouth and audaciously refused to accept the *Rav's psak*. The *Baruch Taam* was unmoved by the man's ranting and raving. Hashem, however, took umbrage with this *mehutzaf*, insolent person. His journey home took him over a bridge spanning a deep river. As the litigant crossed the bridge, it broke, sending him and his carriage into the waters together with his money (that he had refused to pay).

Now, states *Rav Zilberstein*, if this insolent person had been entrusted with funds for an orphan, and he lost these funds, despite saving himself — he must pay the money to the orphan. Although the money was lost through an incident beyond his control, he should have taken into consideration that when one is a *mehutzaf* to the *gadol hador*, preeminent Torah leader of the generation, he plays with fire and endangers his life. In other words, he was negligent and, therefore, required to pay.

As an aside, we derive from here the firm belief one must have that the *kedushah* of a Torah scholar is inviolate. If someone acts inappropriately to a *gadol b'Yisrael*, he is playing with his life. *Talmidei chachamim*, Torah scholars, embody the Torah. They are a living *Sefer Torah*. To impugn the integrity of their unique spiritual plateau is to undermine the sanctity of the Torah.

This idea applies even between two *gedolim*, Torah luminaries, who have a dispute. If the circumstances are such that one is undeniably greater than the other. (For example, in a case in which one is the *rebbe*, mentor, and the other is the *talmid*, student, the student must defer to his *rebbe*.) A classic case (which was written up in *Peninim* a number of years ago) involves a dialogue between the saintly *Chelkas Yoav* and his revered *Rebbe*, the *Avnei Nezer*. The *Chelkas Yoav* wrote a *chiddush*, original, novel idea, and sent it to his *Rebbe* to solicit his approval. The *Avnei Nezer* took issue with the *chiddush* and rebuffed it. When the *Chelkas Yoav* next had occasion to visit his *Rebbe*, the *Avnei Nezer* asked his student, "Nu?" Do you accept my ruling?"

The *Chelkas Yoav* replied, "I accept my *Rebbe's* ruling." The *Avnei Nezer* did not settle for this response, "I want to know how you feel in your heart." The *talmid* replied, "In my heart, I feel that my

opinion was justified. However, I am prepared to acquiesce to my *rebbe*."

Hearing this, the *Avnei Nezer* became emotional and stood up to face his student. "Is this the meaning of: The fear (awe) one has for his *Rebbe* should parallel the fear he has of Heaven?"

If the *Rebbe* asserts an idea that is the opposite of yours, then you must alter your opinion. "Accepting" and "acquiescing" are insufficient, since accepting means, "I have a valid opinion — my *Rebbe* also has a valid opinion. Since he is the *Rebbe* and I am the *Talmid*, I must accept his opinion." This is not what the Torah teaches. There is only one valid opinion — that of the *Rebbe*.

לא תהיה לו כנושה

Do not act toward him as a creditor. (22:24)

Hashem's act of creating the world was an act of altruism. The Almighty needs nothing. He simply wants to do good, to benefit others. To this end, he expects His People to emulate His ways by identifying with the needs of others and looking for ways to alleviate their travail. It is important to underscore that travail comes in all forms and sizes. Just because an issue does not bother me does not mean that it would not bother anyone else. Our barometer for success is measured by what we do for others — not by what we do for ourselves. An area in which this rule is put to the test is when it involves lending money to someone in need. The mere fact that the person is in need is in and of itself a hint that this act of *chesed*, kindness, might extend for years. After all, who is to say that he will have the funds to pay back the loan at the designated time? If he had access to funds, he would not be borrowing money.

Halachah dictates that one may not impose payment of a loan when he is certain that the borrower has come on hard times and has no money. This applies even under such circumstances that the tables have turned and now the lender can really use his money. Sadly, in our self-centered, narcissistic generation, when we have no time to spend with people, we have to depend on texts and emails for survival. It is difficult to ascertain who is in serious need and who simply wants. Those who take the time and make the effort to meet people face-to-face, and listen to their stories of woe are those whose home is the *bais hamedrash*. They are guided by the dictates of the Torah and *Chazal* and are, thus, able to override personal interests. Veritably, someone who truly lives by the Torah does not have (should not have) vested interests beyond those of the Torah.

Horav Chaim Peretz Berman, Shlita (one of the *Roshei Yeshivah* in Ponovezh), related the following two vignettes. It is important to underscore that the heroes of these stories were regular Jews who made the *bais hamedrash* their home. *Horav Shlomo Berman, zl* (son-in-law of the *Steipler Gaon, zl*), was an illustrious Torah-giant whose brilliant mind was evident in his extraordinary knowledge of Torah. This is well-known. Many people were unaware that he had a *gmach (gemillas chesed loan fund)* which he used to lend money to Torah scholars who were in need. It happened that one of his borrowers ran arrear and did not pay back the loan on time. Due to the fact that the money was immediately used to be lent out to others, *Rav Berman* had no recourse but to turn to the guarantor (who had promised to secure the loan and pay if the borrower did not) and ask for payment. The guarantor, an individual by the name of *Rav Politansky*, returned that night to the *Rosh Yeshivah's* home with the funds. He even apologized that it had come to this point. (No one enjoys collecting from the guarantor, and most guarantors do not expect to ever be in the position in which they have to repay the loan.)

Now we come to the clincher, which demonstrates the outstanding *middos*, character refinement, of *Rav Politansky*. He told the *Rosh Yeshivah* that it was actually all his fault. Apparently, two weeks earlier (about the time that the loan was due), the borrower had come to him (*Rav Politansky*) with all the money and asked him to pay *Rav Berman* in his name. He forgot to do so, and he apologized profusely for his negligence.

Wonderful ending? No. We have more to tell. A few months passed, and the original borrower presented himself at *Rav Berman's* apartment with the money that he owed him! "I apologize to the *Rosh*

Yeshivah and beg his honor's forgiveness for returning the payment so late. At the time the loan was due, I did not have a penny to my name. I had no food in my house – nothing. So, I 'allowed' myself to be late with payment of the loan."

Rav Berman wondered, "Do you not remember that you gave the money a few months ago to *Rav Politansky* to pay me?" The borrower replied, "I have no idea what the *Rosh Yeshivah* is asserting. This is the first time that I have had access to any money of any sort."

Here we have a classic case of an honorable Jew who not only paid back someone's loan, but he did it in a manner that would conceal his shame.

Rav Moshe Frankel, zl, was a premier *rebbe* in a *cheder* in Bnei Brak. He decided that in order to make ends meet, he required a supplementary income source. To this end, he opened a small store that sold cleaning supplies. When *Rebbetzin Berman, ah* (daughter of the *Steipler*) learned that *Rav Moshe* had opened a store, she decided that she would purchase her wares from him. He was doing this for the purpose of augmenting his livelihood. How could she not help in some way? For quite some time, she would make an order, and *Rav Moshe* had it delivered to her apartment. One day, right before *Yom Tov*, she made an unusually large order. As usual, it was promptly delivered to her door. As she was going through the containers, she noticed a receipt from *Yad Ezra*. (*Yad Ezra* is an organization that caters primarily to *klei kodesh*, those involved in Torah-study and its dissemination. Due to their limited means, this organization, which receives outside support, is able to maintain a very low markup on their products.) She looked at the receipt, and it included everything that she had ordered from *Rav Frankel's* store. Something was not right.

The next day, the *Rebbetzin* paid a visit to *Rav Frankel* and asked for an explanation. When he saw that, whatever he said, the *Rebbetzin* would be able to poke holes in it, he finally explained; given the size of her family and dearth of her funds, she would do better by shopping at *Yad Ezra*. He understood that she wanted to help him, but he could not allow her to overpay. So, for years, whenever she made an order, he would go to *Yad Ezra* and purchase the products at a reduced price. He would discard the receipt and personally deliver the order to her home – with his own receipt (for the same price). This time, for some reason, he forgot to discard the *Yad Ezra* receipt.

We are not used to such character refinement: a *Rebbetzin* that pays a premium to support a *rebbe* who is trying to earn a living; and a *rebbe* who is willing to spend time and lose money just to ease the financial burden of a Torah scholar. These are not isolated cases of individuals acting kindly. It was the way they lived.

לֹא תִזְבַּח עַל חֶמְצָא דָּם זָבָח

You shall not offer the blood of My feast-offering upon leavened bread. (23:18)

The *Korban Pesach* must be slaughtered on *Erev Pesach*, after all *chametz* has been disposed of. The *Sefer HaChinuch* explains that setting a designated time for the fulfillment of all matters is their source of preservation. Thus, concerning *Korban Pesach* -- which is a seminal *mitzvah* included among a group of *mitzvos* affiliated with the liberation from Egypt and setting the stage for our nationhood -- time and order are essential. The Torah gives preordained times for each and every component of the celebration of this Festival and its accompanying rituals. No commandment related to this time frame encroaches on the boundary of its fellow. Thus, we were first commanded to dispose of all *chametz* which, at the approach of *Pesach*, becomes disgusting in our eyes, and only then to commence with *Korban Pesach*, which heralds the liberation period.

While the *Sefer HaChinuch* seems to focus on timelines and order with regard to this *mitzvah*, he is, in fact, presenting an important and critical principal with regard to all *mitzvah* observance, to the point that one cannot compare the *mitzvah* observance of one who adheres to a strict timeline and order, with the individual who performs *mitzvos* at his convenience. The following vignette buttresses this idea.

An elderly woman (101 years old) passed away in Yerushalayim. Her descendants were sitting *shivah* and relating stories

about her extraordinary, long life. They mentioned that she had grown up in Copenhagen, Denmark, in a community that had produced a number of members who lived beyond one century. What made this small Jewish community unique, so that many of its members achieved unparalleled longevity? As G-d-fearing Jews, they were acutely aware that nothing "just happens." If they were living longer, there was a reason. The spiritual leadership met to discuss why their community was so blessed. After much soul-searching and introspection, they came to a resolution: they felt the reason for the community's extraordinary blessing of life/time was the members' unusual adherence to timely attendance at *minyan/shul*! Whenever the *minyan* was designated to begin, they were all present in their seats, prepared to *daven* on time. When someone manifests such value for -- and appreciation of -- the gift of time, and he, likewise, demonstrates his devotion to serving Hashem by always being on time (which really means arriving early), he is worthy of such blessing.

This is not the end of the story. When the group met with *Horav Shmuel HaLevi Wosner, zl*, he agreed with their hypothesis, and added a vignette of his own. He was born in Vienna, a community that was also blessed in that many of its members achieved unusual longevity. It was a small Jewish community whose members were staunchly devoted to their *shul*. They realized that with a small membership, each individual Jew played a greater and more vital role. They knew that if any one of them was late for *minyan* -- they would all suffer. The proof positive to this assumption (as to why they were achieving longevity) was evident when one of their members passed away in his seventies (as opposed to reaching the century mark). It was discovered that he had never made it to *shul* on time.

As *Mashgiach* of *Yeshivas Slabodka, Horav Moshe Tikuchinsky, zl*, saw to it that the *bachurim*, students, functioned within the framework of a timely schedule. First *sefer* began promptly at 9:00 a.m. The *Mashgiach* would stand at the door to the dining room to make sure that the students were out in time for *sefer*. One morning, a *bachur* arrived at the dining room at 9:00 a.m., when he should have been arriving at the *bais hamedrash*. The *Mashgiach* refused to grant him access. "Breakfast is over. Had you *davened* with the *yeshivah*, rather than visit one of the *shteiblach*, you would have arrived on time. Is this why the *Rosh Yeshivah* travels to *chutz la'aretz*, diaspora, to raise funds, so that you should *daven* in a private *minyan* and arrive late for breakfast?" The student was upset, because, after all, the *Mashgiach* was right. The *yeshivah* maintained a strict schedule, and, if everyone acted as he pleased, it would not be a *yeshivah*. He was about to go to the *bais hamedrash* hungry, when the *Mashgiach* said, "Do you think I will permit you to learn hungry? Come with me to my apartment, and I will give you breakfast -- and you will go learn." The *Mashgiach* had a job. He was also a human being with a beating heart that could not allow a *bachur* to learn on an empty stomach.

Va'ani Tefillah

וְהִשָּׁב אֶת הַעֲבוּדָה לְדַבֵּיר בֵּיתְךָ – *V'hasheiv es ha'avodah lidvir Beisecha.*
And restore the Divine service to the Holy of Holies of Your Temple.

Klal Yisrael expresses its closest connection with Hashem via *avodas haKorbanos*, sacrificial service, in the *Bais Hamikdash*. With the return of the *Bais Hamikdash* and the Divine service, we will be witness to the greatest *Kiddush Hashem*, sanctification of Hashem, in this world. The greatest *avodah* takes place on the holiest day of the year, *Yom Kippur*, in the Holy of Holies. We ask Hashem (in this prayer) to restore all these opportunities for achieving closeness with Him and for increasing *kavod Shomayim*, the glory of Heaven, in this world. *Horav S. R. Hirsch, zl*, translates *dvir beisecha* as "wortstatte," German for "residence of His word" (cited by *Horav Shimon Schwab, zl*). The "word" of Hashem is represented (in this world) by the *Aron HaKodesh* which "resides" in the *Kodesh HaKedoshim*, Holy of Holies. The *Aron HaKodesh* contains within it the *Luchos* and the *Sefer Torah* written by *Moshe Rabbeinu* -- both representing *Torah She'B'ksav*, Written Law. The *Torah She' Baal 'Peh*, Oral Law, is represented by the *Kapores* and the

Mishpat 97:4). It is better not to lend if I know that the borrower will squander the money and probably not pay it back.

THE RESPONSIBILITIES OF THE BORROWER

Someone who borrows money must make sure to pay it back. One may not borrow money that he does not think he will be able to repay. A person who squanders money and therefore does not repay his loans is called a rosho (Rambam Hilchos Malveh 1:3).

The borrower is required to pay his loans on time. If his loan is due and he cannot pay them, he is required to use his household items, if necessary, to pay his debt (Nesivos 86:2; Graz, Hilchos Halvaah 1:5). Similarly, he may not make significant contributions to tzedakah (Sefer Chassidim #454). He may not purchase a lulav and esrog if he owes money that is due; instead, he should borrow someone else's (see Pischei Teshuvah, Choshen Mishpat 97:8). He must use whatever money he has available to pay his debts.

It is strictly forbidden to pretend that he does not have money to pay his debts or even to delay paying them if he does have the money, and it is similarly forbidden for him to hide money so that the lender cannot collect. All this is true even if the lender is very wealthy.

COLLECTING BAD DEBTS

Most people who borrow are careful to repay their debts and do so on time. However, it happens occasionally that someone who intended to pay back on time is faced with circumstances that make it difficult for him to repay.

There is a prohibition in the Torah, "Lo siheyeh lo k'nosheh – Do not behave to him like a creditor" (Shemos 22:24). Included in this prohibition is that it is forbidden to demand payment from a Jew when I know that he cannot pay (Rambam, Hilchos Malveh 1:2). The lender may not even stand in front of the borrower in a way that might embarrass or intimidate him (Gemara Bava Metzia 75b; Rambam, Hilchos Malveh 1:3).

However, if the lender knows that the borrower has resources that he does not want to sell, such as his house, his car, or his furniture, he may hassle the borrower since the borrower is halachically required to sell these properties in order to pay his loan. (See Shulchan Aruch, Choshen Mishpat 97:23 for a list of which items he must sell to pay his debt.) Furthermore, the lender may sue in beis din for the right to collect these items as payment.

(Technically, it is not the borrower's responsibility to sell the items and bring the cash to the lender; he may give the items to the lender as payment. The lender must then get a beis din or a panel of three experts to evaluate the property he has received. If he needs to hire experts to make the evaluation, the expenses are added to the debt. Of course, the lender and borrower can agree to whatever terms are mutually acceptable without involving expert evaluation, provided that no ribbis [interest] prohibition is created. The vast subject of ribbis is beyond the scope of this article.)

The borrower is in a very unenviable position. He owes money that he would like to pay, but he is overwhelmed with expenses and he simply does not earn enough money to pay all his creditors. He knows he could sell his house or his furniture to pay up, but he really does not want to do that to his family. He should try to appease the lender in whatever way he can (for example, by asking for an extension) and he should certainly try to find other sources of income and figure out how to trim his expenses. But he should realize that he is obligated even to sell his household goods to pay his creditors. Someone who uses his money to purchase items that are not absolutely essential instead of paying back money that is overdue demonstrates a lack of understanding of the Torah's priorities.

The lender may not enter the borrower's house to seize collateral or payment. Some poskim contend that the lender may seize property that is not in the borrower's house or on his person (see Pischei Choshen, Vol. 1, pg. 96). Furthermore, there are poskim who rule that if the borrower has the means to pay but isn't paying, the lender may enter the borrower's house and take whatever he can (Shu"t Imrei Binah, Dinei Geviyas Chov chapter 2; Pischei Choshen, Vol. 1, p. 100). One should not rely on this approach without first asking a shaylah.

If the borrower claims that he has absolutely nothing to pay with, the beis din can require him to swear an oath to that effect (Rambam, Hilchos Malveh 2:2).

A lender who feels that the borrower is hiding money or property may not take the law into his own hands to collect, but may file a claim in beis din. If the lender feels that the borrower will not submit to beis din's authority, he should ask the beis din for authorization to sue in secular courts – but it is forbidden for him to sue in a secular court without first receiving halachic approval.

HOW CAN I GUARANTEE THAT I GET MY MONEY BACK?

As most of us have no doubt experienced at one time or another, it is not pleasant to be owed money that is not repaid. The lender is entitled to be repaid.

Is there a way that I can lend money and guarantee that I get in back?

First of all, the lender must make sure that he can prove the loan took place. This is actually a halacha; it is forbidden to lend money without witnesses or other proof because of concern that this may cause the borrower to sin by denying that the loan exists (Bava Metzia 75b).

All of this is protection only against a borrower denying that he borrowed, which is fortunately a rare occurrence. What we want to explore is ways that the lender can fulfill his mitzvah of lending to a needy person while making sure that the loan does not become permanent.

CO-SIGNERS

The most common method used to guarantee the repayment of a loan is by having someone with reliable finances and reputation co-sign for the loan. In halacha, this person is called an areiv. In common practice, if the borrower defaults, the lender notifies the co-signer that he intends to collect the debt. Usually what happens is that when the lender calls the co-signer, suddenly the borrower shows up at the door with the money.

There are several types of areiv recognized by halacha. The most common type, a standard co-signer, is obligated to pay back the debt, but only after one has attempted to collect from the borrower. If the borrower does not pay because he has no cash, but he has property, the areiv can legitimately claim that he is not responsible to pay. The lender would need to summon the borrower and the areiv to beis din in order to begin payment procedures. Most people who lend money prefer to avoid the tediousness this involves.

One can avoid some of this problem by having the co-signer sign as an areiv kablani. This is a stronger type of co-signing, whereby the lender has the right to make the claim against the co-signer without suing the borrower first.

The primary difficulty with this approach is that it might make it difficult for the borrower to receive his loan, since many potential co-signers do not want to commit themselves to be an areiv kablani.

ANOTHER APPROACH

Is there another possibility whereby one can still provide the chesed to the potential borrower and yet guarantee that the money returns?

Indeed there is. The Chofetz Chayim (Ahavas Chesed 1:8) suggests that if you are concerned that the proposed borrower may default, you can insist on receiving collateral – a mashkon to guarantee payment.

Having a loan collateralized is a fairly secure way of guaranteeing that the loan is repaid, but it is not totally hassle-free. There are three drawbacks that might result from using a mashkon to guarantee the repayment of the loan. They are:

1. Responsibility for the mashkon.
2. Evaluation of the mashkon.
3. Converting the mashkon into cash.

1. Responsibility for the mashkon.
When the lender receives the mashkon, he becomes responsible to take care of it. If it is lost or stolen, the value of the collateral will be subtracted from the loan (Shulchan Aruch, Choshen Mishpat 72:2). If the collateral is worth more than the loan, the lender might be required to compensate the borrower for the difference. (See dispute between Shulchan Aruch and Rama ibid.) However, the creditor is not responsible for the mashkon if it is lost or damaged because of something that halacha considers beyond his responsibility.

2. Evaluation of the mashkon.

When keeping the collateral to collect the debt, the mashkon must either be evaluated by a panel of three experts before it can be sold (Shulchan Aruch, Choshen Mishpat 73:15 and Ketzos), or must be sold with the involvement of beis din (Shach), to protect the borrower's rights. Some creditors find this step tedious.

However, there are methods whereby one can use a mashkon to guarantee a loan and avoid having the mashkon evaluated afterward.

When arranging the loan, the lender tells the borrower of the following condition: If the loan is not paid when due, the buyer agrees to rely on the lender's evaluation of its worth (Pischei Choshen, Vol. 1, pg. 145).

An alternative is for the lender to tell the borrower: If you do not pay by the day the loan is due, then retroactively this is not a loan but a sale. At that point, the collateral becomes mine in exchange for the value of the loan. This is permitted even if the mashkon is worth far more than the loan, and does not involve any violation of ribbis (prohibited charging of interest), since, retroactively, a sale took place rather than a loan (Shulchan Aruch, Choshen Mishpat 73:17).

3. Converting the mashkon into cash.

PROPER ATTITUDE TOWARD THE MITZVAH

At times, lenders have asked me for a method whereby they can be certain to get their money back, and I have suggested the collateral method. Sometimes I receive the following response: I don't want to be bothered with selling the mashkon to get my money back. If I think the borrower is a risk, then I would rather not lend to him.

Do we have the same attitude toward other mitzvos we perform? Do we say that we want to perform mitzvos only when they are without complications? Certainly not! However, the yetzer hora convinces us that lending money is a good deed that I need to perform only when it is convenient and when I feel like being benevolent, not when it is going to result in a hassle.

SHLEMIEL, THE BORROWER

Nachman once came to me with the following shaylah:

Shlemiel used to borrow money from Nachman regularly, and although Shlemiel always repaid the loan, he often did so long after the due date. Nachman wanted to know what he could do about this situation. He wanted to perform the tremendous mitzvah of lending money, but he wanted his money back in a reasonable time.

I suggested to Nachman that he tell Shlemiel that the loan was available, but only if Shlemiel produced a mashkon and agreed to the above conditions. Since my suggestion, Nachman has been zocheh to fulfill the mitzvah of lending money to Shlemiel many times, and not once has a repayment been late! Think of how many brochos Nachman has received from Hashem because he is willing to subject himself to the "hassle" of transporting the mashkon to a secure place and being willing to sell it should the need arise!

Why do people view loaning money as an optional "good deed" rather than as a commandment? The Chofetz Chayim (Ahavas Chesed 2:8) raises this question and mentions several excuses people make to avoid lending money. After listing these reasons, the Chofetz Chayim proceeds to refute each one of them. Simply put, the answer to this question is the old Yiddish expression, "Ven es kumt tzu gelt, iz an andere velt – When people deal with their money, they tend to act totally differently." Truthfully, people find it difficult to part with their money, even temporarily. This is precisely why one receives such immense reward for lending. As Chazal teach us, "lefum tzaara agra – the reward is commensurate to the difficulties involved."

Ohr Somayach :: Talmud Tips :: Berachot 44-50

For the week ending 22 February 2020 / 27 Shevat 5780

Rabbi Moshe Newman

When Permission Meets Obligation

"Women make a mezuman for themselves." Berachot 45b

A few words of introduction to the mitzvah of zimun: When three or more people have eaten together they become obligated in the mitzvah of zimun. One person of the group leads the others, inviting them in a prescribed manner to say Birkat Hamazon together. The group's leader is known as the mezamen — "the one who invites." The group is called a mezuman. According to most authorities the mitzvah of zimun was instituted by our Sages and is not a mitzvah of the Torah.

What is the reason for this mitzvah? In general, a person can make a beracha for someone else only if they form a single unit — as if they are one body. There is a very special pleasure derived by the diners when eating together as a group of three, a pleasure that binds them together as if they were one body. Therefore, it is correct that they also give praise to G-d in gratitude for their sustenance in this same combined manner of togetherness.

The Maharal of Prague explains the significance of the number three as being the "minimum of a multitude" that combine to form a single unit. We see this in geometry. If one takes one or two straight lines he cannot join them together to produce a closed form. However, with three lines he can make a triangle — a closed unit.

In this beraita on our daf, Rashi and Tosefot explain that three or more women who ate together have permission to make a mezuman for themselves. Although men who ate together have an obligation — and not merely permission — women have permission but not an obligation. The Poskim explain that women nowadays do not make a mezuman of their own, based on this ruling that their status is one of permission and not obligation.

Rabbeinu Asher and Rabbeinu Yona, however, write that women in fact are obligated in the mitzvah of zimun. A few reasons are offered for this position, especially the words of Chazal (Erachin 3a): "Everyone is obligated in zimun," which comes to "also include women in the mitzvah."

The Aruch HaShulchan answers for Rashi and Tosefot that this teaching refers to women who eat together with three or more men, in which case the women are indeed as obligated as the men. But when the women eat alone, they have permission to make a mezuman, without an obligation.

The halacha is stated in Shulchan Aruch Orach Chaim 199:7: "Women may make a mezuman for themselves (i.e. they are not obligated to do so but have permission to do so). But when women eat together with (a mezuman of) men, they are obligated in the mitzvah of zimun."

An interesting question arises in the case where three men and three women eat together and want to make one mezuman for the men and a different one for the women. The halacha is that that are permitted to split into two groups, even though the women — who had an obligation due to their eating with the men — would seem to be in a lesser mitzvah-status of "permission" when making a mezuman separately. How can they fulfill their obligation when they are separate and apparently no longer obligated?

One answer is that the obligation they gained when eating with the men does not cease to be an obligation for them even when they separate from the men to make their own mezuman. It is an obligation that is part of their being and stays with them despite the changed makeup of their mezuman. An addition point to allow this separation and to help understand it is to give consideration here to the ruling of the Gaon from Vilna, that even had the women eaten separately they would have a zimun obligation (like the opinion of Rabbeinu Asher and Rabbeinu Yonah). (Chafetz Chaim in Shaar Hatziun 199:9)

More than forty years ago I heard from Rav Chaim Pinchas Scheinberg, zatzal, that when a woman has eaten with a mezuman of men, thus having a zimun obligation, it is important for the men to be sensitive to her obligation. This entails an obligation on them to call for her if she is busy away from the table when they are ready to say the beracha of zimun, and they should also wait a reasonable amount of time for her to return so that she may fulfill her obligation along with them — an obligation that is identical to theirs.

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לע"נ

שרה משא בת ר' יעקב אליעזר ע"ה
ביילא בת (אריה) לייב ע"ה