

DIVREI TORAH FROM INTERNET
ON PARSHAS MISHPATIM - 5756

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From: "Ohr Somayach <ohr@jerl.co.il>"

To: CSHULMAN, " " Highlights of the Torah weekly port...

Date: 2/15/96 5:36am

* TORAH WEEKLY *

Highlights of the Weekly Torah Portion with "Sing, My Soul!" thoughts on Shabbos Zemirosh Parshas Mishpatim - Shabbos Shekalim

For the week ending 27 Shevat 5756 16 & 17 February 1996

This issue is dedicated to the memories of

Moshe Ben Yakov Baruch (Michael Leigh) Z'L 22nd Shevat
and Yetta Freida Bat Avraham Gutman (Nettie Leigh) Z'L 26th Shevat
Summary

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 cursing parents, judges, and leaders; financial responsibilities for physically damaging someone 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 for a person being robbed. Other topics include: Prohibitions against seduction; practicing witchcraft, bestiality and sacrifices to idols. The Torah warns us to treat the convert, widow and orphan with dignity, and to avoid lying. Lending and 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 Shabbos and the Sabbatical year are

B'S'D' outlined. Three times a year -- Pesach, Shavuos and Succos -- we are told to come to the Temple. The Torah concludes this listing of Laws with a Law of kashrus -- not to mix milk and meat. Hashem promises that He will lead the Jewish People to Israel, helping them conquer the nations that live there, 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 Hashem says. Moshe writes the Book of the Covenant, and reads it to the people. Moshe ascends the mountain for 40 days in order to receive the two Tablets of the Covenant.

Commentaries

Return to Sender

"If you encounter an ox of your enemy or his donkey wandering, you shall return it to him repeatedly." (23:4)

We live in an era when it's hard to find a real atheist. Once, there was a young Jew from the shtetl (village) who had set his heart on being an apikoros (atheist). He traveled to the city of Odessa in the hope of meeting Yosel the apikoros - a famous atheist. On his arrival in the big city, he asked to be directed to the house of Yosel the apikoros, and he soon found himself standing before the door of the famous man. Wafting through the door came the familiar lilting tune of someone learning gemara. He knocked on the door, and the tune abruptly stopped. "Come in!" called a voice. He gingerly pushed the door open, and there, seated in front of him, was an old Jew with a long flowing white beard and peyos. "Excuse me for disturbing you. I'm looking for Yosel the apikoros." The old Jew paused, looked at him, and said "You've found him. I am Yosel the apikoros." "But...but..." he spluttered, "But, but the beard, the peyos. The gemara!" Yosel replied to him "I'm Yosel the apikoros, not Yosel the ignoramus."

Nowadays it's difficult to find an authentic card-carrying atheist.

They're an endangered species, because most of us don't really know what it is that we don't believe in. Our doubts are not based on knowledge; rather we have become strangers in a strange land, unlettered in our own heritage. Mohammed called us "The People of The Book." The problem is that most of

us can't read The Book anymore, let alone understand it. We are like sheep who have strayed so far from home that we have forgotten that a home even exists.

"If you encounter an ox of your enemy or his donkey wandering, you shall return it to him repeatedly." If the Torah shows such concern for the welfare of someone's property, commanding us to go out of our way to return his animal to him even a hundred times over, surely all the more so must we be concerned to return a person to himself, to try and reach out to our brothers and sisters who have lost their identity as Jews, to show them the beauty and depth of the Torah.

In our times, when so many of us are like sheep lost in a spiritual wilderness, when we have no idea how to get back home, or even that there is a home, it is a tremendous mitzva for those who can be shepherds to guide the lost and the benighted on the path that leads home to the light of Jewish self-awareness.

(Based on the Chafetz Chaim and Il't Rabbi Nota Schiller)

Honor amongst Thieves

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

Man is a deeply sensitive creature, very easily hurt and embarrassed. Unconsciously, he can cause himself deep, self-inflicted emotional wounds. Ironically, however, exactly that which he thinks is the cure for his ills, can be the emotional poison which is damaging him...

In this week's Parsha there is a halacha which, on the surface, is very

puzzling: Someone who steals an ox has to pay back five oxen, but someone who steals a sheep only has to pay back four sheep. Our Sages teach us that the Torah shows concern even for the self-respect of a thief: Stealing a sheep requires the thief to carry the animal upon his shoulders, which is most undignified, and so if he is caught, he has to pay only four sheep, whereas one who steals an ox merely leads the animal by a rope, which isn't embarrassing, and so his penalty is greater - five oxen. So, in reality, a sheep-stealer should also pay back five sheep, but in view of the fact that he has already suffered severe humiliation, the Torah considers that he has already paid part of his penalty. It must be then, that his humiliation is not something abstract, but it is so great as to be quantifiable in money. This is rather strange, for if in fact a thief does feel such tremendous embarrassment, why would he steal in the first place? And also, if we were to approach the thief at the scene of the crime and suggest to him that he must be experiencing the most terrible humiliation, he would almost certainly reply:
"You must be joking! I'm getting away with a sheep! You know what this is worth?!..."

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

The fact of the matter is that at the moment of the theft, the thief does feel a tremendous sense of depression and disgrace. He feels cheap. He experiences deep emotional trauma, yet he has no idea why he feels this way. And thus, he carries on stealing and causes himself more and more emotional angst, thinking that another 'job' will get him out of his emotional slump. And so the vicious circle spirals ever downward. Only by observing the Torah can one be truly happy in this world, because only the Designer understands the true nature of His creations, and only He knows what makes one happy and sad. Only Hashem knows which actions a person should stay away from and which he should embrace in order to live a rich, happy and fulfilled life.

(Adapted from Chidushei Halev)

Feelings

"The appearance of the glory of Hashem was like a consuming fire..."
(24:17)

How do I know if Hashem is pleased with me? How do I know if what I'm doing in my service of the Creator is as He wishes it to be? From this verse we can discern a powerful indicator of how Hashem views our service to Him. To test whether the "appearance of the glory of Hashem" exists in our service of the Creator, one should know that the feeling of wanting to serve Hashem "like a consuming fire," with powerful enthusiasm and a deep love, indicates that Hashem accepts our service - since these feelings are planted in our hearts from heaven, this is a certain sign that our service is received with favor.

(Kedushas Levi)

Haftorah for Parshas Shekalim: Melachim II Chapter 11

In the months of Adar and Nisan, we read four special passages of the Torah. Each is accompanied by its own special Haftorahs. The Torah portions are to help us prepare for Purim and ultimately Pesach. The four Parshios are: Parshas Shekalim which deals with the collection of the compulsory half-shekel for offerings in the Beis Hamikdash; Parshas Zachor, the mitzvah to wipe out the memory of Amalek who attacked the Jewish People after the Exodus from Egypt; Parshas Parah, which details the laws of how a person can purify himself from the spiritual impurity that results from contact with the dead; and finally Parshas Hachodesh, the mitzvah of the sanctification of the new moon.

When 2>10,000

Hashem is beyond any concept of time. Events which to us are separated by thousands of years, are seen by Hashem in a state of constant 'now'. The Midrash (Eliahu Rabba, Megilla 13b) tells us that Hashem knew that in the month of Adar, Haman would offer Achashverosh, king of Persia, 10,000 kikar of silver if he would agree to the genocide of the Jewish People. Thus, in 'anticipation' of Haman's plan, Hashem gave the Jewish People the merit of the mitzvah of the half-shekel donation to the Beis Hamikdash a thousand years before Haman's plot. It was this half-shekel, given in the service of the Creator, which outweighed all of Haman's 10,000 kikar of silver, and led to the salvation of the Jewish People in the time of Purim.

Sing, My Soul! Insights into the Zemiros sung at the Shabbos table throughout the generations.

Hamavdil Bein Kodesh LeChol "He who makes a distinction between the sacred and the secular..."

"Who gives zemiros in the night"

When something happens which is not what we hoped for we are often tempted to think of it as evil to complain about when in truth it is for our benefit and deserves to be sung about.

"Night" is an allusion to those situations which seem so dark and evil.

With the departure of the Shabbos, when we enjoyed a taste of the perfect joy of the World to Come, we return to the difficulties of the world we now live in. We therefore draw courage for facing the challenges of the week ahead by reminding ourselves that even those events which appear like the night will eventually be appreciated by us as something to sing about because they have been orchestrated by the Merciful One "Who gives zemiros in the night."

After singing zemiros during the three meals of Shabbos we make the transition to the weekdays by this singing "zemiros in the night" which separates the sacred from the routine.

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From: "Mordechai Kamenetzky <ateres@pppmail.nyser.net>"

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Date: 2/14/96 1:24am

Subject: Drasha Parshas Mispatim Double Jeopardy
PARSHAS MISHPATIM DOUBLE JEOPARDY 2/16/96
Volume 2 Issue 18

Parshas Mispatim contains many laws. It contains prescripts about animals damaging property, people damaging property, and about people hurting people

-- physically and emotionally. Both are condemned and prohibited. But the Torah reserves a special verse for hurting the feelings of a special group of people -- widows and orphans. Hashem swears his revenge on the= perpetrators.

Exodus 22:20. "You shall not taunt a widow or orphan. For if you shall cause pain, and there will be a cry to me, I shall hear the cry. My wrath shall blaze... and your wives shall be widows and your children -- orphans." If you take a closer look at the actual words in the verse, the Hebrew is quite repetitive. "For if pain -- you shall cause pain and cry -- there will be a cry to me; hear I shall hear the cry."

It seems there are two pains, two cries and Hashem hears them all. What are the two pains that the orphan and widow experiences? What are the two cries? And why does Hashem hear the cries twice?

The sudden death of Hirschel Ellman* two months before Passover left the bereaved widow and four young children in a terrible state of despair. The community tried hard to help them put their lives together and face their terrible ordeal.

During a trip to the shoe store a week before the holiday, the salesman, who knew the sad situation went to the back of the store. He came out with a very special treat. He slowly handed each child a large, helium-filled, mylar balloon. He started with the youngest. "One for Tzippy, one for Doni, one for Leah, one for Shimmi, and," he slowly said with a smile, "one for Mommy." As the children were cherishing their shiny balloons, Leah began walking out of the store. She opened the door and confidently let go of her beautiful balloon. Both Mrs. Ellman and the salesman watched in shock as the balloon floated skyward. "Why did you do that?" barked the insulted shoeman.

Trying to compose himself, he added. "You know, Leah, it is terribly wrong to throw away a gift -- especially in front of the one who gave it!"

Five-year-old Leah ignored the protestations as she watched the silver balloon float away. She waited until all that appeared was the image of a silver coin floating like a feather. With one eye focused on the clouds, she turned to her mother. With a sense of justification and tears swelling in her eyes, she stoically explained her actions. "Daddy didn't get one," she said.

The Kotzker Rebbe once explained. Every pain you cause an orphan is twofold. In addition to the taunt or callous remark there is another hurt. The orphan thinks, "He would not have done that if my father was here to protect me!" Images of a lost parent never leave the widow or child. Every action embodies a remembrance of their parent or spouse. Sometimes it is hard to realize that their feelings are amplified by deep reflections. "What would Mom have said?" "What if my husband was alive?" Those memories die hard. And when there is pain, the pain is doubled and so is the cry.

It is important to watch any word that may cause pain. It is surely more important to watch words that may cause double pain. For Hashem hears that pain -- twice. Good Shabbos (c) 1996 Rabbi Mordechai Kamenetzky Dedicated by Mr. and Mrs. Seymour Kramer

*The names have been changed.

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From: ""Yeshivat Har Etzion" <ye@jer1.co.il>"
To: NDIAMENT, CSHULMAN, " " Sichot of the Roshei
Date: 2/16/96 3:36am
Subject: SICHOT - Mishpatim

PARASHAT MISHPATIM
SICHA OF HARAV YEHUDA AMITAL SHLIT"A

"The Laws of God are True, They are Righteous Together"
(Tehillim 19:10)

This verse can be understood on several levels. Firstly, a simple explanation: Other nations also have laws and ordinances; this is not a phenomenon unique to Israel. But how are their laws created? A certain problem exists, and a law is legislated in order to solve the problem. Each law responds only to one aspect of human activity, such that contradictions frequently exist between different laws. A law legislated for the good of society may harm the rights of the individual, another legislated for the benefit of a certain city may adversely affect the surrounding cities, or the ecology, etc. Their laws demonstrate no all-encompassing perspective. The Torah, on the other hand, contains no contradictions. It is one complete unit, and its laws bring about "righteousness together" - all of them are just, even when they are all considered together.

On another level, Avot de-Rabbi Natan (28:10) teaches: "There is a parable to which this (the relationship between Torah and derekh erez) can be compared: Imagine a highway that passes between two paths, one filled with fire and the other filled with snow. If one travels towards the fire, then he is burnt, and if he travels in the direction of the snow, then he freezes. What should he do? He should travel between them..." The Torah is compared to a path that passes between fire and snow, between olam ha-zeh and olam ha-ba. The proof of the Divine nature of the Torah is that, as opposed to foreign ideologies, it does not deal solely with spiritual and Godly matters, but rather directs our interpersonal relationships as well - our financial dealings, civil laws etc. This is another aspect of the difference between Torah and other religions and philosophies.

Beyond all this, the very laws of the Torah themselves cannot be understood when they are each taken in isolation - this causes them to be perverted and misunderstood. On one hand, the Torah speaks of mercy: "God is good to all those who call on Him" (Tehillim 145:9), and at the same time, "Happy is he who shall seize and dash thy little ones against the rock" (Tehillim 137:9). These verses need to be reconciled and seen together. Every movement and religion that has made its appearance in the world has chosen some aspect of existence, one ideal, in which it has excelled and which it has demonstrated to the world - kindness, justice, honesty, etc. - but none of them has presented a complete picture. Christianity, the religion of loving kindness which prided itself on the ideal of "turning the other cheek," eventually gave rise to the Crusades, Inquisition, and other movements outstanding in their cruel destruction. When only one aspect is chosen, despite the truth that that aspect may contain, it is by definition partial and incomplete. If, for example, the Torah contained only the mitzva of Shabbat, then it would appear that man was placed in a world whose terms were permanently dictated and determined by God during the six days of creation. The laws of Rosh Chodesh and the festivals come to teach us that "the nation of Israel sanctifies time."

According to this understanding, we can also explain the end of the parasha, where the nation declares, "All that God has spoken we shall do and we shall hear (na'aseh ve-nishma)" (24:7). Chazal, as we know, interpreted this as a favorable

reflection on the nation, in that they agreed to fulfill God's commandments before they had heard exactly what was required of them; Chazal took "nishma" literally - namely, physical hearing. This is also apparent from the gemara (Shabbat 88a) which quotes a Sadducee as saying to Rabba: "Hasty people! Your mouths preceded your ears (i.e. you spoke before

listening)". However, the "hearing" here seems also to imply understanding (as in "Shema Yisra'el" - don't just hear, but understand that God is one). At first Moshe tells the nation "all of God's words and all the laws" - the seven Noachide laws, Shabbat, honoring parents, the law of the red heifer, and civil laws, which were given (according to Rashi) at Mara, before they arrived at Har Sinai. Therefore they answered, "All the words which God has spoken we shall do" (24:3) - as we have been commanded. Further on, God makes the covenant with them, and at that point they say "naaseh ve-nishma" (24:7). "Na'aseh" - we shall do that which we have already been commanded, "ve-nishma" - the rest of the mitzvot, and only then will we truly understand that which we have received now. Only when considering all the laws together would they be able to understand the meaning and significance of any individual law. It is to the credit of the nation that they promised to fulfill the laws even though they had only heard part of the mitzvot.

Our parasha begins, "And these (ve-eleh) are the laws...". Rashi explains that the letter "vav" in "ve-eleh" indicates an addition to the previous [laws] - just as those were given at Sinai, so were these. This poses a problem, for we find an explanation by Chazal in Parashat Behar that states, "Just as the general and specific rules of shemitta were given at Sinai, so too were all the mitzvot given at Sinai." If this is so, what is special about Parashat Mishpatim? Weren't all the laws given at Sinai?

Rabbi Eliyahu Mizrachi in his work on Rashi explains that Parashat Mishpatim was transmitted to the nation at Sinai with thunder and lightning, in the same way that the Ten Commandments were, and this is what the quotation from Parashat Behar is referring to. The rest of the mitzvot were given to Moshe alone during the forty days that he spent atop the mountain. The Maharal in his "Gur Aryeh" disagrees, and explains that all the mitzvot were indeed given at Sinai, but there are some mitzvot which represent the crux of Torah, while the other mitzvot come to support and reinforce them. "And this is because God's Torah is perfect - its commandments cannot be separated from one another, and therefore they were all said together at Sinai, because God gave the Torah in its entirety at Sinai."

A common mistake is the assumption that it is possible to formulate an Israeli legal system by taking the legal system from the time of the Mandate and simply adding a couple of Torah laws to it. It is not possible, for the laws of the Torah cannot be properly carried out unless the entire system is changed. Hence Halakha forbids going to a non-Jewish court, even if the plaintiff or defendant concerned knows that he will be judged according to Jewish law, for it is written, "And these are the laws which you shall place before them" - and not before non-Jews. The moment this mitzva is isolated from the rest of the Torah, it is no longer the same mitzva.

Only through the Torah of Israel are "the laws of Hashem

true; they are righteous TOGETHER!"

(Originally delivered at Seuda Shelishit, Shabbat Parashat Mishpatim 5746. Translated by Kaeren Fish.)

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To: CSHULMAN, "ravfrand@torah.org"

Date: 2/15/96 8:55pm

Subject: Rabbi Frand on Parshas Mishpatim

Tosfos Specifies Two Levels of Judicial Competency

Parshas Mishpatim contains many of the laws that relate to dayanim [judges]. A person may ask himself, "Why should I become a dayan [judge]? For what do I need this tough job?" In an effort to encourage people to go into Dayanus [become Judges] the gemara in Baba Basra [8b] says, "A dayan who rules competently with true decisions (dan din emes l'amito) is like the shining star in heaven."

Tosfos on this gemara is bothered by the tautology of "dan din emes l'amito." There are, Tosfos says, apparently two things here -- "dan din emes" and "l'amito".

Tosfos explains that the first category of "dan din emes" comes to exclude a perverted judgment. For example, a case where there are bonified witnesses, but the dayanim sense that the witnesses are liars. We demand from Jewish dayanim that even when there is nothing tangibly wrong with the case, if their intuition senses that something is phony, they must throw out the witnesses and the case. This is called a 'din merumeh'. The dayan has to be perceptive enough to identify such a case when it comes before him. This is the idea of "dan din emes". The judgment (din) has to be 'super true' (emes) -- to exclude judgment that is only superficially and "legally" true.

What then is the next level of "l'amito"? Tosfos says that the level of "l'amito" requires that the dayanim should not "turn the law astray" or favor one of the litigants; they should not be corrupt.

This is a difficult Tosfos. First they require dayanim that are extremely perceptive; they will be held accountable if they allow the testimony of shady witnesses. Then, they demand even a higher level of "l'amito," meaning that the dayanim should not be corrupt! This does not seem to make sense. Not being corrupt should be the minimal requirement of a dayan, not an ultimate requirement. So, what can Tosfos be saying by putting "l'amito" on the highest level?

The Be'er Yosef, by Rav Yosef Salant, offers an interesting insight into this Tosfos. The Be'er Yosef says that our dayanim should really be (l'havdil) like monks -- they should live alone and separated from the community. They should not be involved with people, because when parties come before a dayan, the dayanim must be totally objective. Someone who is involved with and who is a part of the community can be influenced by his relatives and friends.

Yet, the halacha states that we do not want our dayanim to be monks. If a dayan was a holy person who sat on a mountain, figuratively speaking, only coming down occasionally to render a judgment, he could never judge a "deceitful case" (din m'rumeh).

One can only intuitively sense that something is not right if one is familiar with business, if one knows commerce, if one knows psychology, and if one knows people. Only then can he tell when someone is telling the truth and when someone is telling a lie.

We do not want dayanim to be ascetics or monks. We want them to be human beings who know human nature and can spot trickery when necessary. That is the only way to be a competent judge. That is what the first level means, "...can judge a true judgment."

But if he is "one of us", he has to be very careful not to "turn astray from justice" (shelo yateh es hadin). We demand a very tough role of the judges -- be part of the community, be friendly, but do not let that affect you. If two litigants come before a dayan, his neighbor and a stranger... then the situation calls for the second level that Tosfos discusses (l'amito) -- do not turn astray from justice. That can be the highest level for someone who is an active participant in the community.

Differing Rabbinical Reactions to Not Being A Judge

The Medrash Tanchuma says that when Rav Ami was about to die, he cried. His student asked him why he was crying. "If it is because of Torah, you have taught Torah. If it is because of Chessed, you have done Chessed. So why are you crying?" He answered that he was crying because perhaps he had the strengths and qualities to be a dayan [judge], but had failed to become one.

The Medrash goes on to say that it is easy for a dayan to say, "What do I need this for? Why should I take a job that makes so many enemies?" Nevertheless, Chaza"l say it is most important for qualified people to become dayanim -- the community needs them. That's why Rav Ami was crying -- perhaps he did not do his duty to the community and serve as a dayan.

The Be'er Yosef goes on to quote a Yerushalmi that indicates an entirely different reaction by someone who was not a dayan: Rav Shimon bar Yochai gave thanks to G-d that he did not know how to render judgment.

Rav Yosef Salant asks, "How could that be? Rav Shimon bar Yochai was a disciple of Rabbi Akiva. How could it be that he did not know enough Torah to render judgment?"

Rav Salant offers a novel interpretation: Rav Shimon bar Yochai lived in a cave for 12 years. When he came out, he saw people gardening and stared at them in astonishment. "How could they idle themselves from Torah study and engage in such mundane activities?" Those people were destroyed. Precisely because of his greatness and holiness, he could not be a dayan. He lacked the attribute of being "among the people". He was above the people -- too much above them to be their judge.

Rav Ami knew he could have been a dayan. He feared that in Heaven he would be accused of not doing his duty. Rav Shimon bar Yochai, on the other hand, was excused from that obligation because he was not "one of the people" -- and thanked G-d for the exemption.

Suffering of Widow & Orphan Causes a Double Dose of Pain

In this week's parsha we have the law prohibiting the causing of suffering to a widow or an orphan [Shmos 22:21]. We know there is a terrible prohibition of causing pain to any Jew. If we,

G-d forbid, make another Jew feel bad with a word or a quip, we have transgressed the prohibition of "Onas devorim" (oppressing with words).

In this week's portion, however, we have a special Biblical prohibition concerning causing pain and anguish to the widow or the orphan. In past years, I have mentioned the beautiful comment of the Kotzker Rebbe on the tautology to be found in the subsequent verse: "When you will surely mistreat him, if he will surely cry out to Me, I will surely listen to his cry." [aneh, t'aneh; tzaok, yitzak; shama, eshma]

The Kotzker points out that the reason the Torah uses the double language by the orphan and the widow is because whenever one mistreats the orphan and widow he is really torturing him twice. With every remark you are making him feel bad; plus you are reminding him of his state. The orphan can think, perhaps if I had a father I would not be treated like this. The widow can think, perhaps if my husband were alive, this would not be happening to me. Since the pain one inflicts is always double in these cases, G-d responds that He will certainly hear, and give a double punishment.

From a Negative Statement We Can Infer Positive Behavior

It is interesting to note that great people were not only careful regarding mistreat a widow, G-d forbid, they also took pains to make them feel happy. Rav Chatzkel Abramsky, in his eulogy on the Brisker Rav, mentioned an incident with Rav Chaim Soloveichik in Brisk:

Whenever Rav Chaim Soloveichik signed any document he would never refer to himself as "Chaim Soloveichik Av Beis Din of the Holy City of Brisk". He would never use the title "Brisker Rav". He would simply sign "Chaim Soloveichik".

I was in St. Louis in the beginning of the year. I stayed overnight at a Rav in St. Louis who is a student of Yeshivas Rabbeinu Yitzchak Elchanan. He told me over stories from Rav Yosef Dov Soloveichik of Boston for two hours. One of the stories he told me was that whenever Rabbi Soloveichik called someone on the phone, he said "Hello, this is Joseph Soloveichik". Perhaps he got this from his grandfather, as this was the practice of Rav Chaim.

Rav Chatzkel Abramsky, in that eulogy, said that there was one time when Rav Chaim did use the title "Av Beis Din, d'Brisk". Rav Chaim once heard that a certain widow in Brisk was depressed. Rav Chaim went to visit this widow. A block before Rav Chaim reached the widow's house, he sent his shamash ahead with the instructions: "Go tell the widow that Rav Chaim Soloveichik, the Brisker Rav, the Chief Justice of Brisk is coming." To make a widow feel important, Rav Chaim is willing to go against his natural modesty and use his full title. This illustrates the length to which a Rav Chaim went -- not only to avoid making a widow feel bad -- but to make a widow feel good.

In a book that I bought in Eretz Yisroel, I read about an incident that is told about this same Reb Chatzkel Abramsky. Reb Chatzkel, as you all know, was a great personage. He authored a work on the entire Tosefta (Chazon Yechezkel). Whenever Rav Ruderman zt"l (former Rosh Yeshiva of Ner Israel in Baltimore) had a difficult shaylo, he would ask Reb Chatzkel Abramsky. The Rosh Yeshiva held Reb Chatzkel was one of the Gedolei haDor [great men of the generation].

In 1975, on the last Chanukah of his life, Rav Chatzkel Abramsky was sitting by his table on Friday night when a widow came to visit his Rebbetzin. Rav Chatzkel Abramsky -- a man in his nineties -- got up from his chair, went over to the widow and said "Good Shabbos to you". Rav Chatzkel then went to the coat closet and took out his coat and said to the widow, "They bought me this coat, this week. What do you think, is it a nice coat?"

One of the great men of the generation! A man in his nineties! Does one think that Rav Chatzkel Abramsky cared whether the coat looked good or did not look good? What difference did it make to him? But, to make conversation with a widow and make her feel good that 'R. Chatzkel Abramsky asks me a shaylah!', he was willing to ignore his ninety years and his greatness just to make a widow feel decent.

That is because the great people of the World (Gedolei Olam) knew what it meant "Every widow and orphan, do not mistreat". Based on the idea that reward is greater than punishment, they deduced that if there is such a great sin involved in hurting a widow, how much greater is the reward that lies in store for one who brings a little extra happiness into what can sometimes be a terribly lonely life.

Personalities & Sources:

Medrash Tanchuma -- Early homiletical Midrash on the Torah attributed to Rabbi Tanchuma bar Abba (circa 370 c.e.), but added to until around 850. First printed in Constantinople, 1522.

The Kotzker Rebbe -- R. Menachem Mendel of Kotzk (1797-1859) Leading Polish Chassidic Rebbe of the mid- nineteenth century.

Brisker Rav -- R. Chaim Soloveichik (1853-1918) was Rosh Yeshiva in Volozhin and subsequently Rabbi of Brisk; his son R. Yitzchak Zev (Velvel) (1886-1959) succeeded his father in Brisk and settled in Jerusalem in 1940.

R. Yehezkel (Chatzkel) Abramsky (1886-1976); Lithuania, Russia, London, Jerusalem; scholar, author, communal leader.

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From: "Menachem Leibtag <ml@etzion.org.il>"
To: NDIAMENT, DHUEBNER, CSHULMAN.,
Date: 2/15/96 3:32pm
Subject: PARSHAT MISHPATIM

!!! mazal tov !!! Upon the engagement of: * joshua hexter ('93) to chaya epstein * adiel levin ('92) to deeni wiener * doron friedlander ('92) to belinda waks * uri meth ('87) to devorah singal In honor of the birth of chaim ben-tzion, son of jeremy ('85) and lisa barkan. Mazal tov!

PARSHAT HASHAVUA
PARSHAT MISHPATIM
by Menachem Leibtag

Although Parshat Mishpatim includes a variety of mitzvot, it does not contain ALL the mitzvot which God gave Moshe on Har Sinai. The remaining laws are given to Moshe at a later time, during the forty days and nights which he spent on Har Sinai.

Why are these specific mitzvot given at this time, AFTER the Ten Commandments, but BEFORE the rest of the mitzvot? Why do

these mitzvot require a special 'confirmation' ceremony (24:1-10)? Are these mitzvot any more important than the others?

This week's shiur analyzes the PROGRESSION of the mitzvot in Parshat Mishpatim in an attempt to uncover the significance of the manner in which they are presented.

FROM YITRO TO MISHPATIM

In Parshat Yitro, Bnei Yisrael accept God's proposition to become His Nation (19:5-6) and receive the first 'ten Commandments' directly from God while standing at the foot of Har Sinai [the precise level at which they received these laws was the topic of last week's shiur].

Fearing their inability to withstand this level of "hitaglut" (revelation), Bnei Yisrael request that Moshe act as their intermediary to receive the remaining mitzvot (see Shmot 20:15-18, Dvarim 5:20-26)/ see Further Iyun). At the very end of Parshat Yitro, in reaction to this request, God relays to Moshe a special set of mitzvot which he is to convey to Bnei Yisrael:

"And God said to Moshe: Thus shall you say to Bnei Yisrael:

You saw that I spoke to you from the Heavens -

DO NOT make any idols of Me

DO construct for Me an mizbayach... etc. (20:19-23)

Even though Parshat Yitro ends at this point, this set of mitzvot continues in Parshat Mishpatim:

"...and these are the "mishpatim" (rules) that you shall set before them..." (21:1)

This list of rules begins with the laws of a Hebrew slave (21:2-11), followed by numerous examples of 'case type' civil laws that deal primarily with 'nzikin' (damages / 21:12-22:16). They are presented in a structured manner, beginning with cases of capital offence and ending with accidental damage of property.

An abrupt change takes place from 22:17 onward. Instead of 'case type' law found up until this point, we now find imperative law, i.e. DO... or DO NOT..., etc. This section contains a variety of laws as well as expected norms of social behavior.

CAUSATIVE AND IMPERATIVE LAWS

We may view Parshat Mishpatim as one unit because it primarily contains mitzvot "bein adam l'chaveiro" (civil laws). However, a clear distinction exists between its two halves: the first half consists of a list of 'rulings' for "Bet-din" (the Jewish court), while the second half contains a wide range of mitzvot written in the imperative form.

The 'key word' in the first half of Parshat Mishpatim is "ki", which can be translated either as "if" or "when". Most of the parshiot from 21:1 --> 22:18 begin with the word "ki". This entire section contains what is known as causative law, i.e. laws that begin with a case followed by the ruling: IF a certain incident occurs ... THEN the ruling or punishment is..., etc. This unit details the proper ruling should any of these cases come before Bet-din.

At the end of this list we find three laws written in the imperative form - a sorceress, one who lies with an animal, and one who sacrifices to other gods (22:17-19). Even though Bet-din is responsible to punish those who transgress these laws, they are written in the imperative form for they affect the very nature of society.

ETHICAL STANDARDS

A very different category of laws begins in 22:20 and continues until 23:9:

* "v'ger lo toneh v'lo t'lchatzena, KI gerim heyitem b..."

[You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt.]

- * "You shall not mistreat any widow or orphan. If you do mistreat them, I WILL HEED THEIR OUTCRY...."
- * "When you lend money... if you take his garment as a pledge, you must return it by sunset...
When he calls out to me I WILL HEAR HIS CRY..."
(22:20-26)

In contrast to the previous section, here there is no mention of punishment by Bet-din. Rather, each member of society is expected to treat the poor and needy with kindness. One who is not careful in this regard is warned that God HIMSELF punishes those who mistreat the less fortunate members of society.

[Note that in contrast to the previous use of "ki" (= if or with) in the causative section, here the word "ki" means "because".]

These mitzvot are followed by several laws (also in the imperative form) that govern individual behavior (22:27-30), i.e. cursing a judge and leader, giving tithes at the proper time, and dietary laws. These laws affect the daily life style of the individual and include an important general commandment: "v'anshei KODESH t'hiyun li..." - You shall be for Me "anshei kodesh" (27:30).

[We shall soon return to discuss the translation of the word "kadosh" and the significance of this statement.]

This section continues with several mitzvot that emphasize an even higher level of moral and ethical behavior. For example:

- * Honesty and integrity while judging others (23:1-3,6);
- * Returning a lost animal, EVEN that of your enemy, to his owner ("ha'shavat aveidah") (23:4);
- * Helping the animal of your neighbor (again, even of your enemy), with its burden ("azov ta'zov imo"). (23:5)
- * "m'dvar SHEKER tirchak", - keeping one's distance from anything that is dishonest (23:7)
- * "v'SHOCHAD lo tikach" - Not to take bribes (23:8)

This section, dealing primarily with civil laws, ends with a very familiar pasuk:

"v'ger lo til'chatz..." - You should not oppress a stranger, for YOU KNOW THE FEELINGS of a stranger, for YOU WERE STRANGERS IN THE LAND OF EGYPT" (23:9, compare with 22:20)

This verse is almost identical to the opening pasuk of this section: "v'ger lo toneh v'lo t'lchatzena, ki gerim heyitem b'erezt Mitzraim" (22:20). By repeating this pasuk at the beginning and end of the section, the Torah defines a set of laws which emphasize a higher level of ethical behavior for God's special nation. Despite the difficulty of their slavery in Egypt, Bnei Yisrael are expected to learn from that experience, and create a society sensitive to the needs of the less fortunate.

This set of laws concludes with following mitzvot:
"shmitah" - leaving the fields fallow every SEVEN years;
"shabbat" - resting one day out of every SEVEN days;
"shalosh r'galim" - the three agricultural holidays:
"chag hamatzot" : - seven days eating matzah
"chag ha'katzir" wheat harvest (SEVEN weeks later)
"chag ha'asif" - produce harvest (SEVEN days)
(23:10-19) [the importance here of 'seven' will be discussed later in the shiur]

Even though these mitzvot generally fall under the category of "bein adam la'Makom" (between Man and God), here they contain a certain aspect of "bein adam l'chaveiro". In this 'parsha', the

"shmitah" cycle provides extra food for the poor and needy (see 23:11), while "shabbat" provides a day of rest for the bondsman and stranger (see 23:12). Similarly, the "shalosh r'galim" are described as that time of year when the entire nation gathers together 'in front of God' (i.e. at the Bet Ha'Mikdash). This mitzvah also influences the social development of the nation, and provides the poor and needy with a chance to celebrate together with the more fortunate (See Dvarim 16:11,14-16 which expands this mitzvah. See also Further Iyun Section.)

AN EDUCATIONAL PROGRESSION

Note the progression in the presentation of the civil laws in Parshat Mishpatim:

(1) The first section (21:1-22:19) contains universal civil laws of a compensatory nature, common to any civilized society. These causative laws must be enforced by the court system (Bet-din) and the fear of punishment by the courts ensures that every citizen will follow them.

(2) The next section (22:20-26) contains imperative laws that deal with ethical behavior. They emphasize consideration for the less fortunate members of society. As it is difficult for Beit Din to enforce this standard, God Himself takes the responsibility to punish those who may transgress these laws.

(3) The final section of imperative civil laws (23:1-9) contains mitzvot relating to an even higher moral and ethical standard. In this section, the Torah does not mention punishment. These mitzvot are preceded by the pasuk "v'anshei KODESH t'hiyun li" (22:30). They reflect the behavior of a "Mamlechet kohanim v'goy KADOSH" (see 19:5-6). God's special nation, a "goy kadosh", will perform these mitzvot because they are just and right.

Although "kadosh" is often translated as 'holy', its more precise meaning in Hebrew is 'set aside', i.e. dedicated for a purpose. Therefore, "anshei kodesh t'hiyun li", could be understood in the context of: "You shall be a people 'set aside' to represent Me", i.e. God's special nation. When the civil behavior of God's nation is motivated not only by the fear of punishment, but also by high ethical standard and the obedience of God, it becomes a "goy kadosh".

However, a high standard of ethical behavior (22:20-23:19) is not enough. A society must first root itself on the most basic civil laws and the establishment of a court system (21:1-22:19), afterwards it can strive for a higher ethical standards.

(4) After achieving that level, the nation is worthy of performing the mitzvah of "aliyah l'regel", i.e. encountering God at the Beit Ha'Mikdash (23:14-17).

This progression is significant, for it carries an educational message:

- 1) the "mishpatim" begin with the 'FEAR of Man';
- 2) they are followed by the 'FEAR of God'; and
- 3) they climax with the 'LOVE of God and Man'.
- 4) Then, man is worthy to encounter God.

At the conclusion of this set of mitzvot, we find a final message and several additional laws:

"[God informs Moshe:] Behold, I am sending a "malach" before you, to guide you and bring you to ... (the Promised Land). ... for if you obey him [God's "malach"] and do all that I say, I will be an enemy to your enemies and a foe to your foes. For My "malach" will lead you and bring you to [the

land of] the Amorites, Hittites, etc." (23:20-23)

[See also 23:27-31!]

This conclusion points to the purpose of the entire unit. Bnei Yisrael must accept these laws that will shape their character as God's special nation. If they obey them, God will assist Bnei Yisrael in the conquest of the Land.

[Other laws are also included in this final section. These laws repeat the prohibition against worshiping other gods (23:24,32-33); a realistic fear, considering the probability that Bnei Yisrael will be influenced by Canaanite culture when inheriting the Land.]

This section (23:20-33), forms the conclusion of the unit of mitzvot which God commands Moshe to convey to Bnei Yisrael immediately after Matan Torah that began at the end of Parshat Yitro.

PARSHAT MISHPATIM AS "TOLADOT" OF THE "DIBROT"

Analyzing the progression of the mitzvot in this unit, we see that not only is each specific mitzvah important, but also the manner of their presentation. In a similar fashion, the OVERALL structure of this unit is also significant:

Although most of the mitzvot in this unit relate to "bein adam l'chaveiro", the opening (20:19-23) and closing (23:20-33) mitzvot relate to "bein adam la'Makom". Furthermore, a careful examination of these mitzvot shows that they can be considered as "toladot" (sub-categories) of the first three Commandments of the "Dibrot" [see further Iyun Section]. In other words, the civil laws and ethical standards that govern our relationship with our fellow man (as detailed in Parshat Mishpatim) are 'surrounded' by the most basic laws that govern our relationship with God, i.e. obedience to God (I - "Anochi"), the prohibition of idol worship (II - "lo yi'hiyeh lachem", and the sanctification of God's Name (III - lo tisa et shem.. ").

This overall structure, "mitzvot bein adam la'Makom" which serve as 'book-ends' for the "mitzvot bein la'chaveiro" becomes very significant. It emphasizes an important tenet of Judaism: man's relationship with his fellow man is an integral part of his relationship with God.

Just as we find "toladot" of the first three "dibrot" in a significant location in this unit, so too we find "toladot" of the fourth commandment - "shabbat". Both the opening and closing sections of the mitzvot "bein adam la'chaveiro" relate to shabbat!

The opening mitzvah, the law of a Hebrew servant (21:1-6), is based on the concept of six years of 'work', then 'rest' (freedom) in the seventh year. The closing mitzvot of "shmita", shabbat, and "aliya la'regel" (23:10-19), are also based on either the cycle of seven days, or seven years (as noted earlier in the shiur).

[Note: it is not by chance that Chazal interpret the law of "va'avodo la'olam" (21:6), when an "eved ivri" agrees to work 'forever', to mean the end of the seven cycles of shmita, i.e. the "yovel" year - see Rashi 21:6 and Vayikra 25:8-11]

The remaining mitzvot in Parshat Mishpatim, located in between these two "toladot" of shabbat, contain primarily "mitzvot bein adam la'chaveiro". These laws can be understood as "toladot" of the last six Commandments.

YITRO / MISHPATIM - ONE UNIT / A CHIASTIC STRUCTURE

When we consider that this entire unit is surrounded by the events that take place at Har Sinai, the following chiasitic

structure [A-B-C-D-C-B-A] for chapters 19->24 - "Ma'amad Har Sinai" - emerges:

- A. "Brit", "hitgalut", & the "Dibrot" at HAR SINAI (19:1-20:18)
- | B. Mitzvot - I, II, III (20:19-23) ["bein adam la'makom"]
- | | (laws relating to Matan Torah)
- | | MISHPATIM: 21:1-23:19 ["bein adam l'chaveiro"]
- | | C. Eved Ivri (IV)
- | | | D. Misc. civil laws (V-X) /causative and imperative
- | | C. Shmita, shabbat, r'galim (IV)
- | B. Mitzvot - III, II, I (23:20-33) ["bein adam la'makom"]
- | (laws relating to entering the Land)
- A. The "Brit" of "na'asseh v'nishma" at HAR SINAI and Moshe's ascent to receive the "luchot" containing the "dibrot".

The chiasitic structure of a unit in Chumash usually points to a common theme and purpose of its contents, in our case: "Ma'amad Har Sinai". This theme also relates to the primary theme of "Yetziat Mitzraim". Recall that during the "hitaglut" to Moshe Rabeinu at the burning bush, God charged him with a double mission:

- (1) To take Bnei Yisrael out of Egypt to the Promised Land, (in fulfillment of Brit Bein Ha'Btarim).
- (2) To bring Bnei Yisrael to Har Sinai, to thank God and receive the Torah in order to become His special Nation, (in fulfillment of Brit Milah).

This unit of "Ma'amad Har Sinai" therefore serves as a critical stage in the fulfillment of this mission. At Har Sinai, Bnei Yisrael receive the Torah and enter into a covenant with God, accepting upon themselves the goals of His covenant with their forefathers. At this initial stage, Bnei Yisrael are charged with the commandments which define the basic character of God's special nation. Now they are ready to go forth and fulfill their Divine mission.

shabbat shalom,
menachem

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From: "Mordecai Kornfeld <kornfeld@jer1.co.il>"

To: CSHULMAN, "Torah insight by Mordecai Kornfeld"

Date: 2/15/96 7:39am

Subject: Parashat Mishpatim 5756 - "Angel's bread"

The Weekly Internet P * A * R * A * S * H * A - P * A * G * E

by Mordecai Kornfeld kornfeld@netmedia.co.il

Please note my NEW E-MAIL ADDRESS! From now on, I can be reached at KORNFELD@NETMEDIA.CO.IL (instead of the jer1.il address).

Parshat Mishpatim 5754

ANGEL'S BREAD

"The man [who lived in Chevron] was the greatest of the giants" (Yehoshua 14:15) -- This refers to our forefather Avraham, whose height was equal to that of seventy-four men. The amount of food and drink he consumed was enough for seventy-four men, and he had the strength of that many men as well.

(Concluding Beraita of Masechet Sofrim)

What message are we to learn from this cryptic statement of the Sages? What is the significance of Avraham's gargantuan proportions? Was

he literally seventy-four times as large as the average person? We find no hint in the Torah that Avraham was of such extraordinary dimensions! And what is the significance of the number 74? The Vilna Gaon offers an enlightening interpretation of this Midrash based on an incident from this week's parasha.

II

Three guests visited Avraham after his historic circumcision (Bereishit 18:2). Avraham offered them a meal fit for kings (ibid. 5-8). Although we are told that these guests were actually angels (Rashi Breishit 18:1), the Torah concludes that the guests ate what they were offered (18:8). Since when do the heavenly hosts eat food? The Gemara in Bava Metzia 86b asserts that the angels only appeared to be eating the food, but they didn't actually eat it. If so, however, why should the Torah itself refer to their action as "eating?"

The Torah tells us in this week's Parasha:

Moshe, Aharon, Nadav, Avihu, and seventy of the elders of Israel climbed [Mount Sinai]... They gazed at Hashem and they ate and they drank. [They saw the Divine Glory, and when He accepted the offerings they brought to Him, they were as happy as if they had been eating and drinking.]

(Shmot 24:9-11, according to Targum Onkeles)

They were nourished from the Divine Presence, just as the angels are. (Avot D'rabbi Natan, 1:8)

We are accustomed to thinking of eating as a singularly mundane act. The need to eat demonstrates our physical shortcomings. However, there is another, spiritual experience that is metaphorically referred to as "eating." When experiencing a "meal" of this sort, the soul itself is nourished in much the same way that our bodies obtain nourishment from the food that we eat. This spiritual nourishment is received from nothing other than the Glory of the Divine Presence of Hashem ("Ziv HaShechinah"). This non-physical culinary pleasure is an eternal one, that can take place without a physical world. It is this experience that is involved in the eternal bliss of the World to Come.

In the world to come there is no eating, and no drinking, no childbearing and no work, no jealousy, no hatred and no competition. Rather, the righteous sit with their crowns on their heads and enjoy the Glory of the Divine Presence, as it is stated, "They gazed at Hashem and they ate and they drank."

(Berachot 17a)

This spiritual food can even provide, at times, physical sustenance. Moshe was in heaven for forty days. As he told the Jews, "Bread I did not eat; water I did not drink" (Devarim 9:9). What did his body subsist on, then? On the Glory of the Divine Presence! (Midrash Aggadah, ibid., see also Rabbenu Bachye loc. cit.)

Not only Moshe, but the entire Jewish nation once shared in such a Divine experience. For forty years, the Jews subsisted on heavenly Manna, which Hashem showered on the Jewish encampment in the desert (Shmot 16:35).

What was this mysterious Manna, that had such amazing nutritional qualities? Rabbi Akiva tells us in the Gemara, "It was the bread upon which the angels subsist" (Yoma 75b). Rabbi Yishmael, though, found Rabbi Akiva's suggestion ridiculous. "Go and tell Rabbi Akiva that he is making a mistake. Do angels eat bread? Even when *Moshe*, a human being, was in heaven, he did not eat or drink!" What indeed did Rabbi Akiva mean? Rabbi Akiva must have been referring to the phenomenon we have mentioned above.

The "bread" of the angels is Glory of the Divine Presence, upon which they

subsist. The Manna that the Jews ate had in it that quality. According to Rabbi Akiva, for forty years the Jews drew their physical sustenance from the Glory of the Divine Presence! (See Keli Yekar, Shmot 16:4.)

This meal, too, that Moshe, Aharon and those who accompanied them experienced, was no physical cuisine. It was none other than the spiritual dining of the angels in heaven, and of the righteous in the World to Come. How many people partook of this "meal?" The seventy elders, Moshe and Aharon, Nadav and Avihu, or a total of *seventy-four* people. The meal that Avraham "fed" the angels, suggests the Vilna Gaon, consisted of the same Glory of the Divine Presence that these seventy four men "partook of." This is why his divine visitors were able to "eat" with him. Although it looked as though they were eating the physical food, the angels were actually "eating" spiritual, other-worldly food. This is why the Torah refers to what the angels did as "eating."

This is what Masechet Sofrim meant to say. Avraham's food and drink, that he served the angels, was the same food and drink that is referred to in the story of the seventy-four people who climbed Mount Sinai!

(Vilna Gaon, quoted in Kol Eliyahu #239, and in Midrash Peliah, Warsaw 1910, #17)

III

What does the rest of the quote from Masechet Sofrim mean, then? How was Avraham's "height" and "strength" equal to that of seventy-four men? And how did it come about that the angels found their spiritual food in Avraham's house? Also, why was it specifically at this point in Avraham's life, that his meal (and height and strength) is compared to that of seventy-four people? Let us first consider more thoroughly how "gazing at the Divine Presence" can be nourishing to the soul and to the body.

The Rambam describes the eternal bliss of the righteous in the World to Come.

Our Sages said (in Gemara Berachot 17a, quoted above), "In the world to come there is no eating, and no drinking... rather, the righteous sit with their crowns on their heads and enjoy the Glory of the Divine Presence."

"With their *crowns* on their *heads*" -- Their knowledge and understanding of the ways of Hashem, which is what brought them to merit a share in the World to Come, is with them. This is what the Gemara refers to as "their crowns," just as King Solomon refers to it as "the crown that his mother had crowned him (Shir HaShirim 3:11)." What knowledge and understanding [are we referring to]?

"They enjoy the Glory of the Divine Presence" -- they know and understand the truth of G-d, to an extent that would be impossible while they existed in a dusky and lowly physical body.

(Rambam, Hilchot Teshuvah 8:2)

The "enjoyment of the Glory of the Divine Presence" involves the appreciation of Hashem's power, and the realization that He is the only existence that truly is. Hashem "rested His Presence on Mount Sinai" (Shmot 19:18) in order to give us the Torah. In part, this means that He appeared to us in a cloud of smoke, amidst the crack of thunder and the blast of the Shofar, so that we were able to grasp His absolute majesty more fully (see Parasha-Page, Tetzaveh 5755, section II). At that point, Moshe, Aharon, Nadav, Avihu and the seventy-four elders went up the mountain, each to a different height, while the rest of the nation remained at the foot of the mountain (Rashi to Shmot 19:24, 24:10). Hashem revealed His Presence to these seventy-four people to a greater degree than He did to the other Jews.

In fact, the very verse that the Rambam quotes about the crown of King Solomon, is taken by our Sages to refer to the time at which Hashem gave us the Torah. "Go out and see, daughters of Zion [= nations of the

world], the King Shlomo [= Hashem] adorned by the crown that His mother [= the Jewish nation] crowned Him on his wedding day [= the day He gave the Torah to Israel, on Mount Sinai]..." (Mishna, Ta'anit 26b). Hashem was adorned by the Jews' newly achieved heights in the appreciation of His Divine Glory. In this manner, the seventy-four people partook of the "meal" of the righteous in the World to Come.

The same applies for those who ate the Manna. They saw with their own eyes that Hashem provided all their needs, miraculously, while they wandered helplessly in the desert. This brought them to a greater appreciation of Hashem's unlimited power. It was on this "Divine "meal" that they subsisted.

IV

Avraham was "as tall as seventy-four people." He reached as great spiritual heights as the seventy-four people who climbed Mount Sinai. Hashem appeared to him the same way He appeared to the Jews by the giving of the Torah. (In fact, the Midrash tells us that Hashem only gave the Torah to Moshe on Mount Sinai in the merit of Avraham -- Shemot Rabba 28:1.)

Before Avraham had a Brit Milah, he was still a prophet. However, Avraham couldn't bear the full extent of Hashem's Presence until after he was circumcised (Rashi, Bereishit 17:3). The first time that Hashem appeared to Avraham after his circumcision was when the angels came to visit him (Bereishit 18:1). It was specifically at this point in his life, that the Masechet Sofrim reveals to us Avraham's greatness. Avraham now had achieved his greatest spiritual heights.

Rashi (Bereishit 18:3) tells us that the Divine Presence did not depart from Avraham's tent while he was serving his three guests. If so, we can understand how the guests, who were actually angels, enjoyed the Glory of the Divine Presence, while eating by Avraham. Hashem's Presence was right there with them, waiting for Avraham to finish with his guests! In fact, this may be what the verse itself is describing when it tells us, "And he [= Avraham] stood by them under the tree, and they ate." The Midrash tells us that Hashem appeared to Avraham in a *tree* (see Shemot 3:4). Perhaps, then, the verse can be read, "And He [= Hashem] stood by them under the tree, and [because of that] they ate [= the angels "dined" from the Glory of His Divine Presence]!"

In what way was Avraham as "strong" as the seventy-four men? Rashi tells us that although the seventy-four men all "saw the Divine Glory," not all of them reacted to it properly. Moshe and Aharon acted with respect. But the others did not conduct themselves in a manner fitting for such a Divine experience. Their physical desires influenced their behaviour (see Parasha-Page, Shmini 5754). Avraham, however, was as holy as the greatest of the seventy-four people. He had a strong enough spiritual base to be able to experience such a Divine revelation, and come away unscathed!

From: "listserv@lubavitch.chabad.org (W-2)

To: CSHULMAN

Date: 2/13/96 1:11pm

Subject: Torah Studies-Mishpatim

B"H

Torah Studies

Adaptation of Likutei Sichos by

Rabbi Dr. Jonathan Sacks

Chief Rabbi of Great Britain

Based on the teachings and talks of the Lubavitcher Rebbe

Rabbi Menachem M. Schneerson on the weekly Torah Portion

Mishpatim

Our Sidra begins with the words, "And these are the judgments which you shall set before them." The last phrase of this sentence has troubled many commentators. What is the precise meaning of the expression "set before them?"

Several different answers have traditionally been given, and the Rebbe explores the relationship between them.

The word "judgments" (mishpatim) also requires comment, for this is a technical term in Torah, referring in general to social legislation of the kind which, had it not been given by G-d, man could have devised for himself on rational grounds. It is to be contrasted with "testimonies" (edut) such as the Shabbat and the festivals, which though they are rationally comprehensible, could not have been invented by man; and with "statutes" (chukim) which are laws whose purpose lies altogether beyond our understanding.

Why are only "judgments" singled out to be "set before" the people?

In answering this, the Rebbe explores the difficult and much misunderstood relationship between our obedience to and our understanding of G-d's law.

THE MEANING OF "BEFORE THEM"

"And these are the judgments which you shall set before them."

The Rabbis have given several explanations of the phrase "before them."

The first is that every legal dispute amongst Jews should be tried "before them," before a Jewish court of law, which tries cases according to the Torah. They should not take the case before non-Jewish judges, even if their law in this instance coincides with that of the Torah.

The second is that when one is teaching the Torah to a pupil, he should "show the face"; in other words, he should explain the reasons for the law, so that the pupil understands it rather than receiving it as a dogma.

The third, given by the Alter Rebbe, is that "before them" means "to their innermost selves."

The verse therefore means that the knowledge of G-d should enter the most inward reaches of the Jewish soul.

There is an allusion to this in the Jerusalem Talmud, which relates the phrase "You shall set" (tasim) to the word "treasure-house" (simah).

The treasure-house of the Torah should thus awaken the treasure-house of the soul, that of the Torah should thus awaken the treasure-house of the soul, that is, its innermost core.

Three Kinds of Law

It is a general principle that different interpretations of the same words of Torah bear an inner relationship to one another.

What, then, is the connection between these three explanations?

Also, why should the words "before them," however they are interpreted, be attached specifically to "judgments?"

There are three kinds of commandments contained in the Torah:

Judgments, testimonies and statutes.

Statutes are laws which transcend our understanding and which we obey simply because they are the word of G-d.

Testimonies can be rationally explained, but they are not necessitated by rational considerations: Had G-d not decreed them, man would not have invented them.

Judgments, however, are laws which reason would have compelled man

to devise even if they had not been Divinely revealed. As the Rabbis say, "If the Torah had not been given, we would have learned modesty from the cat and honesty from the ant. . . ."

Why, then, is it judgments that the Torah singles out to be set "before them?"

If we take the first interpretation of "before them," this is easy to understand.

It is only in the sphere of judgments that Jewish and non-Jewish law are likely to coincide. Hence the necessity to urge, specifically of judgments, that disputes concerning them to be taken to a Jewish court. In the case of testimonies and statutes, which can be derived only from Divine revelation, there would be no possibility of taking disputes to a non-Jewish court which based its laws on human reason.

In the second interpretation, however, we run up against a difficulty. If "set before them" means to teach them with explanations, then this is surely more applicable to testimonies and statutes, which are difficult to understand, than to judgments. It is obvious that judgments should be explained. Whereas it would be a significant point to demand that testimonies (which can be comprehended, even if they are not necessitated, by reason) and statutes (which reason cannot grasp) should also be taught as far as possible through explanation and rational acceptance.

The same difficulty arises with the third explanation.

It surely is not necessary to awaken the innermost reaches of the soul to be able to obey judgments, when reason is sufficient to compel adherence to them. But obedience to testimonies and statutes is not demanded by reason, and so it requires the arousal and assent of the inward self if it is to be done with a feeling of involvement rather than simply in blank response to coercion. Again, the connection between judgments and the phrase "before them" seems misplaced.

ACTION AND INTENTION

An important truth about the Divine command is that "the principal thing is the act." If, for example, a person has made all the appropriate mental preparations for putting on Tefillin but stops short of actually putting them on, he has not fulfilled the commandment. And if on the other hand he has put them on, but without the proper intentions, he has nonetheless performed the Mitzvah, and must make a blessing over it.

Despite this, it is also G-d's will that every facet of man be involved in the Mitzvah; not only his power of action and speech, but also his emotion, intellect, will and delight. This applies not only to the commandments which obviously involve feeling and understanding -like the Mitzvot of loving and fearing, believing in and knowing G-d - but to every command, including those which require a specific action. Each Mitzvah must be affirmed by the deepest reaches of man's being, especially by his delight, so that he performs it with joy and a willing heart.

This is true, furthermore, even of statutes, which by nature lie beyond his understanding.

It is not enough to obey them in action only, as if he had no choice but to submit to G-d's will without sense or comprehension. Nor is it enough to say: I do not understand them, but G-d must certainly have a reason for decreeing them, and that is sufficient for me. For this attitude is not one of unconditional obedience. It is as if to say: I will obey only what is reasonable, but I will allow a mind greater than mine to decide what is reasonable and what is not.

Instead, the true acceptance of statutes is one which goes beyond reason, and which makes no conditions. It is one in which the desire

to serve G-d for His own sake is so strong that even the intellect positively assents to the call of He who is beyond it.

In the light of this we can understand the Rabbinical saying about the word "statute": "It is a decree before Me: You have no right to speculate about it."

This is strange because, since "the principal thing is the act" it would have been more natural to say, "you have no right to disobey it."

However, the saying implies that the physical act is not enough: It must be accompanied by the assent of the mind. And this means more than the silencing of doubt, more than the prudential acquiescence in G-d's wisdom. It means that simple faith floods his mind, leaving no room for second thoughts.

This is why statutes need the awakening of a Jew's innermost soul.

Without it, there would still be room for "speculation" or doubt even if outwardly he continued to obey. With it, his thoughts and feelings are fired by an inner enthusiasm. And this is the connection between the second and third interpretations of "before them":

"Inwardness" leads to "understanding," to an acceptance of the law by mind and heart.

But a question remains. Why are these insights attached by the Torah to judgments instead of statutes, where they would seem more appropriate?

There is no difficulty in understanding judgments, and reason - without inwardness - is sufficient to lead a man to obey willingly.

FAITH AND REASON

The answer is to be found in another Rabbinic commentary to our verse.

Noticing that the Sidra begins with the word "and" ("And these are the judgments. . . .") they said, " 'And these' indicates a continuation of the previous subject."

In other words, the judgments of which our Sidra speaks, are a continuation of the Ten Commandments, and were, like them, given at Sinai.

The Ten Commandments fall into two categories.

The first commands concern the highest principles of the unity of G-d. But the others state simple, social laws like "Thou shalt not murder" and "Thou shalt not steal," judgments whose purpose is immediately intelligible. By fusing these extremes, the principles of faith and the judgments of reason, the Torah teaches that even commands such as "Thou shalt not steal" should be obeyed not simply because they are reasonable but because they are the will of He who said, "I am the L-rd thy G-d."

Thus, when the Rabbis said that the words "And these are the judgments. . . ." were a continuation of the Ten Commandments, they meant that these judgments should be obeyed not because they are understood, but because they were commanded by G-d at Sinai.

This explains the first interpretation, that one should not bring a Jewish dispute before a non-Jewish court.

Even if the laws coincide in practice, a law which has its source in reason is not the same as one which is based on the words, "I am the L-rd thy G-d," and its verdicts do not emanate from Torah.

The third interpretation also becomes clear.

Even judgments, which can be obeyed for the sake of reason, must be obeyed from the inwardness of the soul. Judgments must be obeyed like testimonies and statutes: Not from reason alone but from an inward response which animates every facet of one's being.

And this explains the force and subtlety of the second interpretation: That the judgments should be taught so that the pupil understands them.

The point is that on the one hand they should not be regarded as the mere dictates of reason; on the other, they should not be thought of as irrational. They are to be obeyed with but not because of the mind's assent. The mind is to be shaped by what lies beyond it.

Why is human reason not sufficient in itself? Firstly because it has no absolute commitment: "Today it (one's evil inclination) says to him, Do this; tomorrow it tells him, Do that; until it bids him, Go and serve idols."

This description of the gradual erosion of spiritual standards is interpreted by the previous Lubavitcher Rebbe, Rabbi Yosef Yitzchak, thus: The Jew's evil impulse cannot begin with enticement to a forbidden act. Rather, it bids him "Do this," "Do that," i.e., a Mitzvah, but do it because your intellect and ego concur. Thus, gradually the framework is developed in one, whereby even a forbidden act is not excluded.

Secondly, because even though it might lead a man to obey judgments, it would not bring him to closeness with G-d. This is the difference between an act which is reasonable and an act which is a Mitzvah.

"Mitzvah" means "connection": It is the link between man and G-d.

Speaking of G-d's statutes and judgments, the Torah tells the Jew: "He shall live by them." If he brings the whole of his life - action, emotion, reason and inwardness - into the performance of a Mitzvah because it was given at Sinai, he recreates Sinai: The meeting of man and G-d.

(Source: Likkutei Sichot, Vol. III pp. 895-901)

From: "Jeffrey Gross <75310.3454@compuserve.com>"
To: CSHULMAN, " "Halachic Topics Related to the Weekl..."
Date: 2/14/96 8:56am
Subject: Parshas Mishpatim

By Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

Parshas Mishpatim

He shall bless your bread and your water (23:25). Do not read He will bless, read you will bless. From here we derive that a Bracha is required before eating... (Brachos 48b)

Brachos Over Breakfast Cereals

QUESTION: What are the correct Brachos to recite over the various breakfast cereals?

DISCUSSION: Cereal manufacturers may change their ingredients and/or manufacturing processes. Manufacturing may also vary from country to country. This discussion is based on U.S. manufacturing. One should be aware of the possibility of changes that may affect the Kashruth or Bracha of a product. Following is a list of some of the popular breakfast cereals and their proper Brachos:

All Bran, Fiber One - made from the outer shell of the grain which is not considered as part of the grain. May also contain some corn flour; Shehakol, Borei Nefashos.

Alpha Bits, Captain Crunch - made from a combination of oats and corn; Mezonos, Al Hamichya.

Cheerios - made from oat flour; Mezonos, Al Hamichya(1). Includes sugar-coated and flavored varieties.

Cocoa Puffs, Reese's Puffs - made from corn meal (with a

small amount of wheat starch as a binder); Shehakol, Borei Nefashos(2).

Corn Chex, Corn Total - made from a batter of corn flour; Shehakol, Borei Nefashos.

Corn Pops - corn kernel is still intact - it is merely formed into a new shape; Hoadama, Borei Nefashos.

Corn Flakes, Frosted Flakes - when processed by pressing pieces of cooked corn kernels into flakes, its Bracha is Hoadama, Borei Nefashos(3). When produced from corn flour, its Bracha is Shehakol, Borei Nefashos(4).

Crispix - made from equal amounts of milled rice and corn. The correct Bracha is problematic(5). Some Poskim rule that both Mezonos and Hoadama be recited(6). See Additional Notes # 1.

Granola - usually made from steamed rolled oats. The Bracha on grain which is dry-steamed - but not cooked - is Hoadama(7). If, however the granola flakes adhere to one another, many Poskim rule that the proper Bracha is Mezonos, Al Hamichya(8). The Bracha Achrona for steamed grain is Borei Nefashos, although preferably(9), steamed grain should be eaten only during a meal to avoid making a Bracha which does not satisfy all opinions.

Grape Nuts - baked as heavy/dense bread that is then pulverized into cereal; Mezonos, Al Hamichya(10).

Honeycombs - made from a combination of oat and corn flour; Mezonos, Al Hamichya(11).

Kix, Trix - contain primarily corn flour plus some oat flour (and wheat starch as a binder). Contemporary authorities are in doubt as to whether the taste of the oat flour is actually distinguishable. If it is, then the Bracha is Mezonos, Al Hamichya(12). If it is not, then the correct Bracha is Shehakol, Borei Nefashos(13). See Additional Notes #1.

Oatmeal - cooked oats, Farina, cooked wheat; Mezonos, Al Hamichya.

Oatmeal Crisp - made out of oats and wheat; Mezonos, Al Hamichya.

Rice Krispies - made from rice by a process called oven puffing; Mezonos, Borei Nefashos(14). Included in this category are Cocoa Pebbles, Fruity Pebbles and Rice Chex.

Raisin Bran, Clusters - made from bran and other parts of the wheat kernel; Mezonos, Al Hamichya. The raisins do not require their own Bracha since they are secondary to the bran(15).

Sugar Crisp - made from puffed - not cooked or baked - wheat, which remains whole throughout the process(16). Most Poskim(17) rule that Hoadama is said. See Additional Notes #1. (See 'Granola' for Bracha Achrona.)

Wheat Chex, Wheaties - Mezonos, Al Hamichya.

Additional Notes

Note 1: The Brachos for several of the cereals discussed (e.g. Kix, Crispix, Sugar Crisp) remain problematic. As with many Halachic issue, there are sometimes different opinions. In addition, incomplete or conflicting information is often given by manufacturers which further complicates matters. It is therefore recommended that those cereals whose Bracha Rishona or Achrona is in doubt should be eaten only during a meal, or with other cereals whose Bracha is not subject to debate. Alternatively, a competent Halachic authority should be consulted for final rulings.

Note 2: Al Hamichya is said only if one eats at least a Kzayis (1.1 fl. oz.) of grain within a time span of 3-4 minutes. Certain cereals (e.g. Honeycombs, Kix) contain only a small amount of oat flour, which makes it difficult to gauge if a Shiur was consumed. For less than a K'zayis of grain, a Borei Nefashos is said(18).

Note 3: Milk mixed with cereal does not require its own Shehakol, since most people add milk to their cereal to make it more palatable and easier to eat(19). [The small amount of milk that may remain in the bowl after the cereal has been eaten does not require a Shehakol(20).] In the atypical case where the milk is not secondary to the cereal but is consumed for its own value, it would require a Shehakol(21).

Note 4: When various cereals are eaten together in one bowl and one of the cereals requires a Mezonos, then a Mezonos, Al Hamichya should be said over the entire mixture (provided a K'zayis of grain was eaten). No further Brachos are required(22).

In memory of Chaya Devora bat Tzvi (Rottman) Yahrsteit 29 Shevat by her grandson Dr. Avraham Rottman Bet Shemesh, Israel HALACHA is published L'zchus Hayeled Doniel Meir ben Hinda.

FOOTNOTES:

- 1 Kvius Seuda over Cheerios would require Hamotzi and Birchas Hamazon - Harav S.Z. Auerbach (V'sain Bracha by Harav P. Bodner pg. 527).
- 2 The Laws of Brachos by Harav b. Forst (pg. 364); V'sain Bracha (pg. 528).
- 3 Kellogg's and Post currently use this process.
- 4 General Mills (Country, Total) and Kemach currently use this process. If accurate information is not available, Hoadama should be said (Harav S.Y. Elyashiv quoted in V'zos Habracha pg. 255).
- 5 See the The Laws of Brachos, pg. 386.
- 6 Baltimore Vaad Hakashruth - Harav M. Heinemann.
- 7 Harav S.Z. Auerbach (V'sain Bracha pg. 505). If the granola is cooked in water, then its Bracha is Mezonos, Al Hamichya.
- 8 V'zos Habracha (pg. 103) quoting Harav S.Z. Auerbach and Harav S.Y. Elyashiv.
- 9 Interpretation of Harav S.Z. Auerbach (quoted in Birchas Hanehenin pg. 147) of OC 208:4 and Mishna Berurah 18.
- 10 Research and Psak of The Laws of Brachos, pg. 386.
- 11 The Laws of Brachos (pg. 371); Baltimore Vaad Hakashruth.
- 12 The Laws of Brachos (pg. 371); Baltimore Vaad Hakashruth.
- 13 Research and ruling of V'sain Bracha (pg. 528).
- 14 As is true with all rice products - see OC 208:5
- 15 Biur Halacha 212:1 Harav S.Z. Auerbach, Harav S.Y. Elyashiv (V'zos Habracha pg. 94). Note, however, Igros Moshe OC 4:43 who requires a separate Bracha for bananas which are found in cereal. See also Chayei Adam 51:11.
- 16 Even if part of the kernel is removed during the process, still many Poskim hold that the Bracha remains Hoadama, since the wheat is not cooked but only steamed for a few seconds. See The Laws of Brachos (pg. 272).
- 17 Igros Moshe OC 4:44; Harav S.Z. Auerbach (V'sain Bracha pg. 527), Harav S. Y. Elyashiv (V'zos Habracha pg. 101). Igros Moshe OC 4:45 adds that Mezonos is also acceptable, but Al Hamichya may not be said. Mekor Habracha (54) rules that the proper Bracha is Mezonos.
- 18 OC 208:9; Igros Moshe OC 1:71.
- 19 Igros Moshe OC 4:43.
- 20 Mishnah Berurah 168:46.
- 21 Igros Moshe, ibid. If the cereal serves as a method to get a child to drink milk, then the milk requires its own Bracha (oral ruling by Harav M. Feinstein quoted in Brochos Study Guide pg. 43).
- 22 OC 212:1, Mishna Berurah and Biur Halacha ibid.

on two fronts: it can only be performed after eight days and it must be executed during the daytime. This question was posed first by Tosafot and subsequently by the Ramban.

The possible solutions to this problem revolve around the two underlying assumptions which form the basis of our question:

- 1) Women are excused from ALL zman grama without exception.
- 2) Mila is zman grama.

Each of these assumptions has been critically examined by the Rishonim with an eye to resolving the aforementioned question. Tosafot chose to reject the second assumption while the Ramban operated upon the first. We will begin with Tosafot and those who adopted their strategy.

To determine mila's categorization as zman grama, two issues come into play. Firstly, the exact time for the fulfillment of the mitzva can be investigated. Tosafot, approaching this issue from a purely technical standpoint, note that according to one position in Yevamot (72a), night mila is valid after the eighth day (if the mila had to be delayed). Thus, mila cannot be said to be zman grama because of the night limitation. The eighth day, then, does not define the obligation, as with most zman grama, but rather marks the moment when the obligation first materializes. Before the eighth day arrives, mila is meaningless; afterwards, the obligation proceeds without disruption. This resembles the mitzva of pidyon ha-ben (redemption of the first-born) which cannot be performed before the thirtieth day but subsequently can take place on any day. Utilizing the opinion in Yevamot that after eight days have elapsed, mila can be done at night, Tosafot have effectively liberated this mitzva from any governing time constraints. Hence, it is not zman grama.

The potential flaws in Tosafot's approach are self-evident and other commentators focused upon a different issue. Tosafot Rid, for example, redefined the texture of mila itself, producing a mitzva which at its root has no time factor. To him, the mitzva upon the father is not to remove the foreskin but rather to assure that mila will occur. This supervision and planning (e.g., contacting the mohel (ritual circumciser), purchasing mila apparatus when necessary) can be done both during night and day and similarly may be initiated well before the eighth day. In fact, then, the actual mitzva of mila - organizing and assuring its ultimate performance - has nothing to do with the eighth day. Through this unconventional formulation of the mitzva of mila, the Rid removed it from the category of zman grama. (This particular question - whether mila is the actual circumcision or the preparations which facilitate the circumcision - sparked the famous controversy over whether, ideally, a father should perform his son's mila rather than delegating it to another. Presumably, to the Rid, hiring a mohel would be no less ideal than personally executing the mila. See also Maharach Or Zarua 11 and Shakh CM 382:3.)

Whereas Tosafot and Tosafot Rid each modified the actual mitzva of mila so that it would not be considered zman grama, the Turei Even in Chagiga (16a) disqualifies mila from a purely "zman" perspective. When it comes to tefillin, for instance, time is a definitive and absolute regulator. When night falls the mitzva is entirely canceled. That tomorrow presents the mitzva anew is irrelevant since tomorrow's mitzva

From: "yhe@jer1.co.il"
To: CSHULMAN, NDIAMENT, " " Gemara methodology shiur...
Date: 2/14/96 11:56am
Subject: METHO - 12: Brit Mila

TALMUDIC METHODOLOGY
by Rav Moshe Taragin

Is Brit Mila a Zman Grama?

When we read parshiot Lekh Lekha and Vayera we find that each of them addresses, to some degree, the mitzva of brit mila. "Va-yamol Avraham et Yitzchak beno ... ka'asher tziva oto Elokim" - Avraham circumcised his son Yitzchak ... as God commanded him (Bereishit 21:4). As the verse indicates, the chiyuv (obligation) applies principally to the father and not to the mother. The source for her petur (exemption) will form the subject of this week's shiur.

The gemara in Kiddushin (29a) confirms that women are excused from performing the mila upon their sons from the pasuk "'ka'asher tziva oto Elokim' - oto ve-lo ota (him and not her)." This immediately raises the question of necessity. Why must the gemara provide a proof-text to exclude women from mila? Are they not automatically excluded based upon the universal principle of "mitzvot aseh she-hazman grama - time-bound positive commandments - from which women are normally patur?" Seemingly, mila fits the classic mold of zman grama

is independent of today's. After Sukkot passes, the mitzva of lulav for 5755 is terminated; 5756 offers an independent mitzva. These mitzvot are clearly functions of time as a factor which exerts complete control. However, in the case of mila, which is a one-time mitzva, the obligation by its very nature is not eradicated at nightfall but merely held in abeyance until the morrow when the same mitzva presents itself again. The mitzva, in fact, never ceases to exist but is temporarily suspended. Temporary suspension does not a zman grama make. Absolute cancellation is necessary for a mitzva to be included in this category. (I highly recommend reading the Turei Even inside to those who have one available. It is as incisive as it is imaginative. Notice that his principal statement is made regarding semikha on korbanot (resting one's weight upon a sacrifice) which is also a one-time mitzva; this, however, is easily extrapolated to mila.)

SUMMARY:

The first three positions all contest mila's definition as zman grama. Tosafot does so on technical grounds, while the Rid recasts the very structure of the mitzva. The Turei Even in Chagiga demands that we consider more closely the role which time plays in regulating the mitzva. According to all three, a separate pasuk is necessary to exclude women from mila since it is not zman grama.

What is clear from the Ramban is that he charts a different course; mila is a zman grama but conceivably one in which women would be chayav (obligated) were it not for a special pasuk. What is less clear in the Ramban is what exactly this extenuating circumstance is. There seem to be several layers to this Ramban, each of which accommodates a different explanation. We will explore three. (I will transliterate the text and render into English but strongly suggest taking a personal glance.)

"Salka da'atakh amina ki patri nashim mi-mitzvot asei she-hazman grama hani mili be-mitzvot gufaihu kegon tefillin de-meihatam gamrinan aval mitzvat mila, de-le'acharini vehi lo shayakha bei, aimar techayev midi de-havi arbeit din she-chayavin le-molon, ka mashma lan."

(I would have maintained that women are excused from zman grama only regarding mitzvot of the self - such as tefillin which is the source of the petur. But mila which is performed on another and has no pertinence to her, I might suggest she would be chayav, just like Beit Din which must circumcise children whose father was derelict - for this reason the pasuk teaches me that women are patur.)

This ambiguous and multifaceted Ramban allows several understandings. The simplest approach is that mila, which is a mitzva performed upon another is categorically different from tefillin which is reflexive. Since tefillin is the template which the gemara (34a) employs to derive the general category of the petur for zman grama, only mitzvot similar to tefillin can be included in this category. This reflects halakhic protocol. Similarity to the model or paradigm (even when the similarity is technical in nature) is oftentimes a necessary condition to be subsumed within a "limud" (teaching). In our case this would mean that women are not excluded from all zman grama but only those which conform to the pattern of tefillin.

However the phrase "Vehi lo shayakha bei" (there is no pertinence for her) seems to be superfluous in light of this suggestion. This added phrase might indicate a different reading. One must pose a fundamental question regarding mila. Whose mitzva is it? After all, once a child reaches the age of thirteen if he has not been circumcised he must perform it on his own; clearly, then, the boy himself has a mitzva. What, then, is the status of the parent? Does a parent acquire a second, independent mitzva to circumcise their young child? Or do we say that the mitzva is always the son's but until he is of age the parent oversees and supervises the mitzva? This question is first posed by the Minchat Chinukh in section 2. If we maintain that the parent is merely facilitating the son's mitzva, then zman grama ceases to be a factor. The son (who is the principal in this mitzva) cannot be excused because of zman grama for he is a male! Once his chiyuv exists, the parent (at this preliminary stage of the discussion even the mother) is responsible to supervise that chiyuv. Can a mother excuse herself from educating her son in sukka or lulav because they are zman grama? Of course not, since the son has the chiyuv in the mitzva and she has to help him realize his chiyuv. What concerns us is not the physical dimension of the mitzva (i.e. on whose body the mila is performed) but the conceptual definition of the mitzva. By informing us that she has no relevance to mila, the Ramban might be emphasizing that it is the son's mitzva which she would simply supervise and hence she is not excluded because of zman grama.

To be sure, the Ramban does not stop there. Why does he compare the potential chiyuv for women to that of Beit Din? What does this analogy suggest? This invites yet a third reading of the Ramban. As we know, Beit Din must step in to circumcise boys whose fathers neglected to do so (see gemara 29a). Obviously, "beit din" refers not to the court per se but to the overall community whose representative is beit din (for elaboration on this theme see Kovetz Chidushei Torah "Kevi'at mo'adim al pi ha-re'iya ve-al pi cheshbon.) This communal mitzva of mila is a classic chovat tzibbur (communal obligation). Who performs a chovat tzibbur? Very often a community-wide obligation is performed by the representative who has the greatest bearing or relevance to the mitzva. For example, the communal responsibility to wage war or build a Beit Hamikdash would be performed by the king on behalf of the nation. The responsibility to gather testimony and set the new moon is done by beit din on behalf of the nation. Who has greatest relevance to the communal responsibility to circumcise this child neglected by his father? None other than his mother! The Ramban might be asserting that while women are certainly patur from their personal mitzva of mila because of zman grama, a communal mitzva which they might discharge on behalf of the community would not be subject to the zman grama exclusion. For this reason the Torah includes an extra pasuk to exclude them even from this charge.

SUMMARY:

The Ramban apparently accepts mila as a zman grama but demonstrates that we still might obligate women since it is an atypical one not subject to the normal exclusion of zman grama. Why it is atypical is not entirely clear and quite

possibly the Ramban embraced multiple arguments.

Methodological Issues:

1) A question generally adopts numerous assumptions; separate the assumptions and reject each in turn, thus arriving at multiple answers. Remember, any conclusion based on two premises taken together, can be negated by rejecting EITHER assumption.

2) Fundamental questions about the texture of a mitzva are critical towards determining the mitzva's membership in a particular category. Whether mila belongs in the category of zman grama depends upon such pivotal issues as: Whose mitzva is it? What is the act of the mitzva? etc.

3) Conversely, a precise definition of the halakhic category will enable examination of its scope. Part of determining the scope of zman grama and whether it includes mila requires a precise definition of zman grama. What happens when a particular time generates a mitzva which then cycles continuously (Tosafot). What happens if the time-cycle doesn't include a cancellation phase merely a suspension of the mitzva (Turei Even).

To sum up 2) & 3): To determine whether mila is zman grama we have to know more about mila and more about zman grama.

FURTHER RESEARCH:

- 1) Are women chayav in chinukh (education) of their children - see Sukka (2b), Eiruvin (82a) and Tosafot.
- 2) Are women chayav in chovat tzibbur which is zman grama - see Chinukh 95 regarding binyan Beit Hamikdash.
- 3) Whose mitzva is pidyon ha-ben, father's or son's? See Rivash 131, responsa of Rashba 2:321, Chatam Sofer YD 295.

From: "Bircas Hatorah <bircas@jer1.co.il>"

To: CSHULMAN, " " Weekly Words of Torah from Bircas H...

Date: 2/15/96 1:59pm

Mishpatim

Selected, translated and arranged by Rabbi Dov Rabinowitz
"And he will be responsible that he (his victim) is cured." (21,19)

(The literal translation is a repetition of "he will cure him"). From this the gemorah (Baba Kamma 88a) deduces that a doctor is permitted to treat the ill. Rash"i elaborates "We do not declare that HaShem caused him to be struck, and He will heal him."

The Chofets Chaim (on the Torah) explains that this shows clearly that every affliction which comes on a person occurs by Heavenly decree, even when someone else insults and curses him ... A person's transgressions are the source of his being abused. And even if someone deliberately hits him, this too is by HaShem's decree ...

Our possuk is a clear proof of this. It relates a case of a fight between two men "And when (two) men fight and one hits his fellow ..." The victim himself is also guilty, for he should not have joined in the conflict. Nevertheless the gemorah relates to this as "HaShem caused him to be struck." This manifestly shows that even an incident of this type occurs only through HaShem's providence.

HaShem does all this for a person's good, so that his transgressions will be atoned for through his indignity. Thus a person should not devote himself to replying to his aggressor. On the contrary, he should thank HaShem for providing him with this means of atonement.

When (literally if) you lend money ... (22,24)

Rash"i explains that this one of three places that the word im - if - refers to something which is compulsory.

The Sfas Emes (likutim) explains the use of the word "im" in the light of the possuk from Tehillim: "Good is the man who is compassionate and lends; he maintains his affairs with judgement."

Although Tzedaka is a mitzvah, it is not always compulsory as are (most) other mitzvos. Only one who has money which is not otherwise utilized is obliged to lend it. However, a person is allowed to trade with and invest his money, even though this results in him not having anything to lend to the needy. Thus the possuk writes "If you lend ..."

This is the message of the possuk "Good is the man ..." which must be properly understood, as it is an obligation to lend, so what is so "good" about this person? The possuk is referring to a person who "maintains his affairs with judgement." He limits his trading and investing, so that some of his assets will be available to lend to the needy. This is why he is aptly described as "good."

From: "Menachem Leibtag <ml@etzion.org.il>"

To: NDIAMENT, DHUEBNER, CSHULMAN,

Date: 2/15/96 3:32pm

Subject: PARSHAT MISHPATIM

... (Con't)

FOR FURTHER IYUN

A. Compare Shmot 20:15-18 to Dvarim 5:20-28. See Rashi, Ramban and Ibn Ezra.

1. Explain why even according to Ramban, Parshat Mishpatim takes place after Matan Torah.

B. Many of the mitzvot in Parshat Mishpatim from 22:26-23:19 could be viewed as 'sound-bites' for entire 'parshiot' that expound on these mitzvot in Sefer Vayikra and Sefer Dvarim.

1. Attempt to find examples, e.g. 23:10 to Vayikra 25:1-8, 23:14 to Dvarim 16:1-17

2. Use this to explain the nature of Parshat Mishpatim.

3. How does this enhance our understanding of the ceremony at in perek 24? Relate to "sefer ha'brit".

C. Note that Rashi explains that 24:1-10 takes place BEFORE Matan Torah, and that most all the other mforshim disagree [See Ramban, Rashbam, Ibn Ezra].

1. Use the chiasmic structure explained above to explain Rashi's shita.

2. Why do all the other mforshim disagree?

3. Note how this machloket explains the difference of opinion in explaining what "sefer ha'brit" refers to, as well as the meaning of "divrei Hashem v'ha'mishpatim" (see 24:3-7).

D. We mentioned in the shiur that the mitzvot in Mishpatim can be understood as "toladot" of the Ten Commandments. See Ibn Ezra's observation of this point.

1. Attempt to find examples of Dibrot V->X within the civil laws.

2. Explain why the laws concerning the mizbayach should be considered toladot of "lo tisa et shem Hashem elokecha la'shav".

3. How does "shem Hashem" relate to the concept of Mizbayach? Relate to Breishit 12:8, 13:4 etc.

4. How does 23:20-22 relate to this same idea of "shem Hashem"?

E. Bnei Yisrael participate in an official ceremony whereby they accept these laws. This ceremony, detailed in 24:1-11, contains

elements which are very similar to events that took place immediately before Matan Torah (see 19:3-24, especially 19:5-7,21-23). [These two chapters are so similar that Rashi claims that they are actually describing the same events! [See C. above]

1. Explain why according to either explanation, chapter 19 emphasizes the aspect of "yirah Hashem" while chapter 24 emphasizes the aspect of "ahavat Hashem".

2. Why is important that each event is recorded separately?

From: "kollel@mcs.com"
To: CSHULMAN, "haftorah@torah.org"
Date: 2/15/96 9:49pm
Subject: sh'kalim

MESSAGE FROM THE HAFTORAH PARSHAS MISHPATIM - SH'KALIM
Kings II, 12

This week's haftorah, read in conjunction with Parshas Sh'kalim, deals with the collection of funds for the Bais Hamikdash. In the days prior to King Yehoash, the Bais Hamikdash was seriously neglected and much repair work was required to restore it to its original splendor. After the kohanim's unsuccessful attempt to collect the necessary funds, the righteous King Yehoash spearheaded the collection and an overwhelming response occurred.

The reason for this neglect is explained in Divrei Hayomim (2:23) wherein it

blames the wicked Queen Atalya and her wicked sons for the deteriorated condition of the Bais Hamikdash. The royal family had seriously mistreated the holiest structure on Earth and roamed freely inside it, causing much damage to its walls and interior structure. Actually, money was constantly donated to repair the Bais Hamikdash but these funds were repeatedly misappropriated by Atalya. Instead of being used for the Bais Hamikdash they

were channeled to further practices of idolatry. Now that the pious Yehoash came to power idolatry was removed from the royal family and the funds were finally applied to their intended usage. After so many years of neglect the Bais Hamikdash was finally restored to its previous glory.

The haftorah of Parshas Sh'kalim echoes the earlier experiences of the Jewish people read in the Torah portion this week. During their exodus from Egypt Hashem rewarded the Jewish people with an abundance of wealth from the Egyptian nation. Instead of applying this towards the service of Hashem the Jewish people donated their precious gold ornaments to produce the Golden Calf. After Hashem's severe response the Jews recognized their error and returned wholeheartedly to Hashem. They were given the opportunity to rectify their grave sin and were invited to participate in the building of a Mishkan. This time they utilized their money for proper purposes and generously donated their funds towards the construction of a magnificent sanctuary. Hashem accepted their teshuvah and consented to rest His divine presence amongst the Jewish people in this glorious edifice.

The reading of Parshas Sh'kalim and its accompanying haftorah serves as a most appropriate introduction to the month of Adar. As we read in Megillas Esther (3:9), the wicked Haman attempted to purchase the Jews from the king

with an impressive ten thousand silver blocks. He intended to use his power of wealth to influence the king to grant permission to destroy the entire Jewish nation. However, as the Gemara in Megilla (13b) teaches us, Haman's

efforts were preempted by the donations of the Jewish people to the Bais Hamikdash. Interestingly, this exact sum of ten thousand silver blocks was annually donated by the Jewish people for the sake of the sacrifices in the Bais Hamikdash. Hashem said, "Let the Jewish nation's ten thousand abort Haman's influential process of his ten thousand." The Jewish people's annual donation demonstrated that they were not influenced by the power of money.

They properly allocated their funds to the most worthy of causes and annually gave ten thousand blocks of silver for the sake of Hashem and His Bais Hamikdash. Therefore, Haman's financial influence, his ten thousand silver blocks had no influence over the Jewish people. They could not be improperly influenced by money and money could therefore never serve to produce an improper influence over them. Eventually, the king would and did see through Haman's plot and his money and influence were to no avail. It is with this lesson in mind that we read Parshas Sh'kalim and usher in the month of Adar. Parshas Sh'kalim reminds us of the great significance of money when allocated in the proper ways. Through properly directed donations, the beautiful edifice of the Bais Hamikdash was restored to its glory. Through such donations the Jewish people received atonement for the gravest of their sins. And through these charitable donations we merited the miracle of Purim and learned that even our most powerful of enemies replete with significant funds had no influence over us.

This timely insight sheds a colorful light on the unique mitzvos of Purim. Unlike any other holiday, Purim focuses on the Jewish nation's generosity to give and share its financial resources. The holiday of Purim asks of us to part with our money for numerous causes, such as Machtzis Hashekel, Matanos

L'evyonim and Mishloach Manos. Through these, we demonstrate our readiness to allocate our funds to the proper causes. We display this supreme quality of generosity as the hallmark of the Jewish people and remind ourselves that in this merit we were privileged to experience the miracle of Purim. Therefore every Purim we demonstrate this Jewish quality of generosity and put our money to the proper usage. We guarantee through this that no foreign power will ever affect us through its financial influence and we remind ourselves that in this merit of generosity we will eventually witness the rebuilding of the Bais Hamikdash and the return of the divine presence to Israel.

by Rabbi Dovid Siegel, Rosh Kollel (Dean), Kollel Toras Chesed of Skokie
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From: "Project Genesis <genesis@j51.com>"
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Date: 2/16/96 6:53am
Subject: * PG LifeLine - Mishpatim

Project Genesis LifeLine
"It is a tree of life to all who cling to it."
D'var Torah and News from Project Genesis - learn@torah.org
Volume III, Number 20
Mishpatim

This week's LifeLine is dedicated to
the speedy healing of Yitzchak ben Tzivia.

Please pray for the speedy healing of AvShalom ben Shashana,

BenYamin Ephriam ben Shana, Esther Miriam bat Aliza Geula,
Sarit bat Esther, and Yitzchak ben Tzivia.

"... and he shall surely heal him." [21:19]

This week's reading is called "Mishpatim," or judgments, and it is an appropriate name: many Mitzvos are found in this parsha (53, by one count), and most of them are interpersonal laws which we naturally understand to be requirements of a civilized society. The majority (all?) of "Judgments" are Mitzvos between human beings. But the parsha also offers us something more -- the Chofetz Chaim, Rabbi Yisroel Mayer Kagan, uses the short phrase above to help us develop an entirely new _outlook_ on interpersonal relations, on our coexistence with others.

In the Talmud [Bava Kamma 88a], our Sages say, "From here (we learn that) permission is given to the doctor to heal." Rashi, Rabbi Shlomo Yitzchaki, adds, "And we do not say that 'G-d made him sick; He will make him well.'" the verse above refers to the obligation of one who caused an injury to heal the victim (by paying the doctor), and nonetheless, Rashi says that _G-d_ made the victim sick.

The Chofetz Chaim says, we learn from here that all pain or injury that a person suffers comes directly from G-d. This is true even when one person hits another! A person cannot hit someone else unless G-d deems it appropriate for the second person to be hit. So the involvement of the first person is only because "Bad things come about by way of a person 'with deficiencies.'" [The Hebrew idiom is lost in translation, but the intent is clear.]

The Torah is telling us, "When someone hits you, why should you get angry at him?" Obviously, he is a bad person whom you should avoid in the future - but that's _his_ problem. Rather than taking revenge, take stock of your own actions! Why was it appropriate that you be hit?

The story is told of a particular yeshiva student who misbehaved on several occasions, until the Dean decided that he would have to expel him. On his way out, the student decided to take his last parting shots - so he stood on the front steps, and while waiting for his ride home explained in a loud voice exactly what he thought of the yeshiva and the dean who stood at its helm.

A few observers noticed that the dean himself was standing by a second story window, not trying to stop the student, but rather listening carefully. After the student had left, one of these observers asked the dean why he did not have someone rebuke the student. "Because," he responded, "I knew that some of what he said might be true. I was listening to see what I might learn." [I have seen this story recorded in a number of places, but unfortunately do not recall which yeshiva and which dean were involved.]

Obviously, this is a very high standard of behavior, one which cannot be reached overnight. Nonetheless, it certainly doesn't hurt to set such a high goal!

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From: "Seth Ness <ness@aecom.yu.edu>"
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Date: 2/20/96 10:36am

Subject: enayim l'torah -- mishpatim

enayim

Enayim L'Torah Parshat Mishpatim Publication of Student Organization of Yeshiva University

The Group and the Individual by Rabbi Eliyahu W. Ferrell

(This article is written LeZecher U'LeIlui Nishmat Yisrael Ben Leiba Halevi Kittay, who was Niftar on 18 Tevet 5748.)

You shall be holy individuals to Me: neither shall you eat any meat that is torn of beasts in the field; you shall cast it to the dog (Shemot 22:30)

You shall not eat of anything that dies of itself: you shall give it to the stranger who is in your gates that he may eat it: or you may sell it to a foreigner: for you are a holy nation to the Lord your God ... (Devarim 14:21)

The contrasts between the verses are noteworthy. In Shemot, we are commanded to become holy individuals; in Devarim, we are described as being a holy nation. In Shemot, the forbidden food is to be cast to a dog; in Devarim, the forbidden food is to be transferred to a non-Jew.

A few individuals can remain a group of individuals, or they can form a Tzibbur - an entity unto itself. A Jew derives sanctity from being a member of Am Yisrael, a nation whose "collective body was consecrated as a whole" (Shiurei Ha-Rav, p. 40, 1974 ed.). But a Jew can also derive sanctity from his own individual achievements. In Devarim, we see that a person is forbidden to consume Neveilah because he is a member of the Am Kadosh. In Shemot, the Torah emphasizes that it is not enough to derive sanctity from one's membership in the group; rather, one must focus on deriving sanctity from one's own individual achievements.

Perhaps the directive to transfer the Neveilah to a non-Jew is a reminder of the holiness of the nation. It is because a Jew is a member of the Am Kadosh that he is forbidden to eat Neveilah; the non-Jew neither has nor needs such an interdiction.

The Mechilta (Shemot 11:7) explains that the directive to cast Basar T'reifah to a dog teaches that God does not withhold the reward of any creature. The dogs "earned" this reward by not barking at the time of Makat B'chorot. How, though, does giving Basar T'reifah to a dog today reward a different dog who didn't bark at the time of the Exodus?

The answer lies in a crucial distinction between people and animals. It is not just the human race that has significance: the individual human is also significant. With respect to animals, significance is ascribed only to the species, not to the individual. ("With reference to all other creatures, only the universal, not the particular, has a true, continuous existence . . .," Halakhic Man, p. 125) Therefore, we need not worry that the particular dog who receives the Basar T'reifah is not the particular dog who was silent in Egypt; particulars here are insignificant. It is only significant that some member of the species *caninus domesticus* receive it.

The directive to cast the Basar T'reifah to a dog is a reminder that only with respect to animals is the species the only significant entity. With respect to humans, even the individual is important. The same must be true of a Jew's relationship with his nation. A Jew must not rely solely on the sanctity that he derives from being a member of the Jewish people; he must focus his efforts on developing his individual sanctity.

Mazal Tov to the founder and first editor of Enayim L'Torah, Dr. Yisroel

Samson, on his engagement to Susan Bahn.

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Mishpatim

Shiur HaRav on Parshas Mishpatim

"You shall not oppress any widow or orphan".

"If you shall oppress them and he shall cry out to me I will listen to his plea".

"And I shall be angry and I will kill you through the sword and your wives will become widows and your children orphans". (Shemos 22:21-23)

The Torah enjoins the Jew from oppressing any widow or orphan. One who commits this action is to be punished by HKB'H (V'Haragti Eschem B'Cherev). The Gemara (Sanhedrin 17b) enumerates the transgressions for which one receives Misah Biyday Shamayim. Why does the Gemara omit the case of oppressing the widow?

The Ramban offers an answer to this question: all other instances of Misah Biyday Shamayim have a natural appearance however the penalty for this sin will be an unnatural death, through the sword. The Ramban and Rashi add that in addition, the death will be unwitnessed and unknown to others leaving the wives of such individuals as permanent widows as well (V'Hayu N'shayhem Almanos Lolam).

The Ibn Ezra notes the transition from the plural (Lo Ta'anun) to the singular (Im Aneh Te'aneh) followed by the plural (Vharagti Eschem). According to the Ibn Ezra, this indicates that if someone observes someone else treating a widow or orphan in this manner and does not intercede on their behalf, the silent observer is considered to have transgressed as well. He too will receive the identical punishment as the one who committed the act. The Torah uses the plural form to indicate that both the transgressor and the observer will be considered guilty (Teanun) and are both punishable by death (Vharagti ESCHEM). In fact, this is the only place we ascribe guilt to both the transgressor and silent observer and both receive the same punishment. For example, one who observes a Jew who desecrates the Shabbos may transgress on the obligation to rebuke his fellow Jew. However he is not considered to have violated the Shabbos on his own. This unique situation of associating the the observer and the transgressor with guilt is to teach us that there is no room for tolerance of any degree of wickedness. One who is tolerant of such behavior is as wicked as the perpetrator. Aneh Taaneh is an application of Lo Taamod Al Dam Rayecha, standing by while a fellow Jew is killed. Even though you personally did not murder the individual, in the eyes of heaven you are still considered a murderer.

The Rav added the following explanation: Mechilta (22) quotes the following: When Rabbi Shimon Ben Gamliel (the Nasi) and Rabbi Yishmael Kohen Gadol were taken out to be murdered (they were 2 of the 10 Rabbinic Martyrs), Rabbi Yishmael asked Rabbi Shimon why he was crying when he was about to fulfill the mitzvah of giving one's life for Kiddush Hashem and will soon enter the world to come. Rabbi Shimon answered that he is crying because of the type of death they were to endure. They were to be executed through the sword (Misas Sayif) which is the punishment reserved for murderers and those who have desecrated the Shabbos. He was concerned lest any passers-by misconstrue them as such unsavory characters. Rabbi Yishmael responded by asking him if he could recall a situation where a woman came to ask him a question and his sexton made her wait until Rabbi Shimon put on his shoes or finished his meal. When Rabbi Shimon said that this did indeed happen, Rabbi Yishmael said

that their punishment is fitting as the Torah admonishes anyone that oppresses a widow or orphan punishable by death through the sword (V'haragti Eschem B'cherev). The magnitude of the Inuy does not matter (Echad Inuy Merubah V'echad Inuy Muat). (Note: the Rav quoted from a combination of the Mechilta and the Masechet Smachos, chapter 8. There are different versions as to whether Rabbi Shimon or Rabbi Yishmael was the one crying).

The above Mechilta is telling us that the punishment for intolerance towards the widow or orphan does not necessarily derive from an actual transgression. Even if the act of intolerance appears justifiable and insignificant, it is still a punishable offense if the affected party is offended psychologically. As far as the letter of the law was concerned, there was no obligation of Rabbi Shimon to have come out barefoot to answer the question of the poor woman. (Rabbi Shimon should have realized that the woman might be offended by deferring her question. Rabbi Shimon should have been attuned to the needs of the woman and that she be made to feel welcome and comfortable). Because he unknowingly delayed the woman till he was ready, apparently Rabbi Shimon was guilty in the view of HKB'H of Inuy Muat.

The above points to a powerful message: that one can transgress Aneh Taaneh even when there is technically no transgression (Maaseh Aveirah). An individual in a position of importance must be vigilant to be attuned to the psychological needs of his fellow man. Failing to show the utmost compassion and attentiveness can result in offending the unfortunate and carry with it grave consequences.

The Torah uses the double syntax, e.g. Aneh Taaneh, throughout these verses. Sometimes a person shows obvious intolerance and persecution of a less fortunate individual. This constitutes an identifiable transgression. It is called Inuy Merubah. There are other times when the intolerance is more subtle and requires an ability to feel the psychological pain of the less fortunate who are offended by direct or indirect actions. This is considered Inuy Muat. In either case, the Torah says Tzaok Yitzak, both types of offended individuals will call out to HKB'H. Hashem will listen to both types, Shamoah Eshma, to the one who cries out from Inuy Merubah as well as the one who cries out from Inuy Muat. (The Rav added that Inuy Merubah causes Inuy Muat. Taking advantage of a widow causes her direct anguish. This is Inuy Merubah. It also triggers the subtle internal feeling of helplessness: that she is being persecuted because her husband is no longer alive to protect her (Inuy Muat). One who does this receives Misah Biyday Shamayim (V'haragti Eschem) and his family is placed in a similar situation (V'hayu Nshaychem Almanos).

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