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## INTERNET PARSHA SHEET ON MISHPATIM - 5777

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### Rabbi Reisman – Parshas Mishpatim 5776

This Shiur was transcribed L'iluy Nishmas my cousin, Habachur Ari Levin Z"l who was tragically Nifter last [year]. (אריה בן ישעיה הלוי).

1. Parshas Mishpatim of course is the introduction of Dinei Mamanus, of the financial honesty, the financial laws and the obligation to be honest in following those laws. For that, the Torah in Parshas Mishpatim introduces us to a wide variety of Dinei Maman. Things that have to do with Shomrim, watching other people's things and has to do with Mazik, damaging other people's things, or damaging people, and animals damaging people etc. A long list of Dinei Maman.

It is interesting that in Shas, Dinei Mamon is considered something that depends on Sevara. The Gemara says, Kra Lama Li Sevara Hu. The Gemara says regarding for example Hamotzie Maichaveiro Alav Haraya (a basic rule) that Kra Lama Li Sevara Hu. It does depend on Sevara. Nevertheless, there are Gezairas Hakasuv mixed in. There are Chukim mixed into Dinei Mamon. In other words, wherever we can understand what the Torah says B'derech Sevara the Gemara does that and where not there are Chukim.

For example, the most famous, is that if a person digs a Bor (pit) in a street and someone comes driving by and his car becomes damaged in that pit, the person who dug the pit is not obligated to pay. It is a Gezairas Hakasuv. Shor V'lo Adam, Chamor V'lo Keilim. That one is Patur. One is obligated for causing a fire, however, he is Patur on Tamun. There are certain things that he doesn't have to pay and so on and so forth. There are many Dinim that are Chukim.

I want to tell you of an important Ramban and an interesting discussion. The Ramban in Parshas Vaeschanan in 6:18 says on the Posuk ( וְעָשִׂיתָ הַיָּשָׁר הַטּוֹב, לפי שאי אפשר להזכיר בתורה כל הנהגות האדם עם ) (בְּעֵינֵי יְרֵךְ שְׂכֵנֵי ורֵעֵי). It is not possible for the Torah to delineate all of the financial obligations (all of the Dinei Mamon) that a person would have with his neighbors and friends. (וכל משאו ומתנו) and it is not possible to deal with all of the back and forth (ותיקוני הישוב והמדינות כלם) and all the rules that cities and countries have to have. Therefore, says the Ramban there is a catchall. (וְעָשִׂיתָ הַיָּשָׁר הַטּוֹב). Be careful to do things that are Yashor, that are straight. G-d created man Yashar, the ability to understand what is straight. So it is a catchall. Even when the Torah doesn't say that you have to do it, be honest.

About 20 years ago, I was flying to a wedding in the Midwest (perhaps Cleveland). On the flight, I was privileged to go with two great Talmidei Chachamim, Rav Feivel Cohen and Rav Schwartzman who is the Rosh Yeshiva of Lakewood East in Eretz Yisrael. During the trip, I asked them the following question which is something I really lack clarity about. Let's pick one of these examples and I think that the example that I chose was if someone digs a pit in the street and someone else comes by and his car is ruined in the pit. The Gezairas Hakasuv is Shor is Patur on Keilim. That Bais Din cannot obligate me to pay. The question I asked was whether I still have a moral obligation to pay, am I supposed to pay. Rav Feivel Cohen quoted this Ramban and said that you should have to pay because Sevara says you have to pay and it is only Bais Din that can't obligate you. Rav Schwartzman disagreed. He said the Torah says that you are Patur so how can you turn around and say that you are Chayuv. If there is a Gezairas Hakasuv that you are Patur then you are Patur. This was the disagreement that they had.

Later, I saw that on a different Gezairas Hakasuv and that is the Din of Bailav Imo in this week's Parsha in 22:13 – 22:14 where there is a Chok that if you borrow something from someone and it is stolen from you, you have to pay which is logical. If that person from whom you borrowed it is working for you then you don't have to pay. It is a Gezairas Hakasuv. Bailav Imo you don't have to pay. There is no Sevara to it.

The Ohr Hachaim Hakadosh seems to be Mesupak in this week's Parsha on our question, whether still a person has an obligation to pay. It would seem that there is a Raya brought in the Pardes Yosef that you don't have to pay. There is a Gemara in Maseches Bava Metzia 97a (17 lines from the top) where the Gemara says that Rava gave a piece of advice that if you ever borrow something from someone, when you borrow it from him tell him (אשקיין מיה) do a small amount of work for me and in that way he will have a Patur that he won't have to pay. Obviously, if you have to pay anyway (if you are morally obligated) then Rava's advice would seem to make no sense. It seems from there that the Patur is an absolute Patur.

As far as the Ramban is concerned. The Ramban seems to be talking about things that have no Gezairas Hakasuv and therefore, this would seem to be a Tzad to say that you are not obligated.

On the other side of the coin, we do find for example, in the Shulchan Aruch Siman 259:5 (Reish Nun Tes S'if Hei) that if you find a lost item in a city which is mostly non-Jews, we assume the person who lost it is Meya'aish and if you find it you are allowed to keep it. Nevertheless, it says in Choshen Mishpat in Siman 259:5 that Af Al Pi Kein Tov V'yashar La'asok Lifnei Mishuras Hadin La'hachazir. Nevertheless the right thing to do is to return it. The Rama says that if the finder is a poor man and the one who lost it is a wealthy man, then since the strict Din is that the Ani can keep it, he has no Lifnei Mishuras Hadin. But outside of that there seems to be a Raya to the other side of the coin. We are not going into this at any greater length, however, the point I am making is an important point. That is that it is a question, something that needs clarification.

When the Torah has a Gezairas Hakasuv that says you are not responsible and you don't have to pay, to what degree do you have to seek Mechila. That is something which is sort of inconclusive at the moment but it is a question worth thinking about.

<http://www.torahmusings.com/2017/01/many-people-together-start-shemoneh-esrei-part/>

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### How Many People Together to Start Shemoneh Esrei?

Posted by: Daniel Mann in Posts, Responsa Jan 12, 2017

by **R. Daniel Mann**

Question: I daven at a small minyan at which some people daven slower than the rest and others come late. We do not always have ten to start Shemoneh Esrei with the chazan. Should we wait for ten, or is six enough?

Answer: [We will divide our discussion into two. This week we will analyze the main sources and logic of the competing positions.]

There are two classical sources that are cited as the source that six men reciting Shemoneh Esrei in the presence of another four men in the room is considered tefilla b'tzibbur (davening with a minyan). The Rambam (Tefilla 8:4) describes chazarat hashatz, with everyone listening to a chazan, as the main element of tefilla b'tzibbur and then says that it is sufficient for six of the participants to be people who have not yet davened. We apply the rule of following the majority to set the character of the whole, and thus this is considered a minyan. Many see this as evidence that the Rambam holds that six people davening in the presence of ten is tefilla b'tzibbur (see Yechaveh Da'at V:7).

The Magen Avraham (69:4) says that while chazarat hashatz can be done for even one person who has not davened, it is preceded by a silent Shemoneh Esrei only if six men are presently davening. Several Acharonim (including Minchat Yitzchak IX:6, based on Shulchan Aruch Harav 69:5, and Mishna Berura 69:8) understand that the reason the silent Shemoneh Esrei before chazarat hashatz is justified is because it is considered tefilla b'tzibbur. Again, we ostensibly see that six is enough in this regard.

Apparently supporting the other camp, the Chayei Adam (19:1) says that the main element of tefilla b'tzibbur is having ten men davening Shemoneh Esrei together, as opposed to the misconception that a minyan for Kaddish, Kedusha, and Barchu suffices. This seems to indicate that six daveners plus four others present is not a fulfillment of tefilla b'tzibbur. Perplexingly, the Mishna Berura cites without comment both the Magen Avraham/Shulchan Aruch Harav (69:8) and the Chayei Adam (90:28). Members of the "lenient camp" explain the Chayei Adam as stressing that Kaddish/Kedusha/Barchu is not enough; by ten, he meant a majority of the ten men davening in the presence of the others.

The stringent camp is perhaps best represented by a compelling (in my humble opinion) set of arguments by Rav Moshe Feinstein (Igrot Moshe, Orach Chayim I:28-30). We start with halachic logic. The idea of six counting as a minyan, based on a majority, makes sense when there is a full quorum involved in the matter at hand, but a minority is lacking in some regard (e.g., they already fulfilled their obligation). Then we say that since the majority of the group is valid, the missing element can be overlooked. We turn to the prototype of following majority, in a court, as an example. While when three dayanim arrive at different decisions, we follow the two, when there are only two dayanim or one of the three dayanim is unable to arrive at any decision, majority cannot be used. So too, when six people are davening Shemoneh Esrei and four are taking off their tefillin after the early minyan, there is no minyan involved in tefilla and thus no tefilla b'tzibbur.

Rav Moshe (ibid. 28) points out that the Rambam is not relevant to our discussion, as he refers to chazarat hashatz in which all ten are actively involved. After all, listening to the chazan constitutes full participating in chazarat hashatz. Following the majority just solves the issue of the weaker connection of those who already davened. (Shulchan Aruch, OC 124:4 supports this distinction.) The Magen Avraham (/Mishna Berura) can be understood as being based on the quality of chazarat hashatz. If six obligated plus four others are doing so, it is complete enough to justify it being preceded by a preparatory silent Shemoneh Esrei, even though its participants are not credited with tefilla b'tzibbur.

[Last week we saw the main sources and arguments of the sides on this matter.]

Several important poskim say that six davening in the presence of another four (= 6+4) is considered tefilla b'tzibbur, based on their understanding of the Rambam and Magen Avraham. This includes Rav Ovadia Yosef (Yechaveh Da'at V:7), Minchat Yitzchak (IX:6,7), Shevet Halevi (XI:20), Beit Baruch (19:3), and B'tzel Hachocma IV:135). Several also report this to be common practice.

The stringent camp includes (in addition to Rav M. Feinstein, see last week) Halichot Shlomo (8:5, in the name of Rav Auerbach), Teshuvot V'hanhagot (I:102, also citing the Brisker Rav), and Rav Y.C. Zonnenfeld (Salmat Chayim, OC 52). The contemporary Ishei Yisrael (12:7) and Tefilla K'hilchata (8:71) treat it as a machloket with a slight leaning toward stringency.

The primary disagreement between the two sides may be more conceptual (is it called tefilla b'tzibbur?) than practical (may one daven in that manner?). For example, the Minchat Yitzchak (IX:7), a member of the lenient camp, says that ten starting together is preferable to 6+4. On the other side, Igrot Moshe (Orach Chayim III:16) relates to 6+4 as a reasonable option in some cases. After all, tefilla b'tzibbur is not an absolute obligation and requires the investment of only moderate efforts (see Shulchan Aruch, OC 90:16). There are many questions discussed (including in this column) of preference between full tefilla b'tzibbur and other tefilla enhancers.

There are also levels of connection between tefilla and tzibbur. It is best to start Shemoneh Esrei exactly with the minyan, but starting later is also significant (see differences between Igrot Moshe, OV III:4 and B'tzel Hachochma IV:3). Starting Shemoneh Esrei as chazarat hashatz begins has value but may not be full tefilla b'tzibbur (see this column, Vaeira 5773). Davening even in an empty shul has value, as does davening at home at the time of davening in shul. 6+4 may also have a status of significant but incomplete value. Teshuvot V'hanhagot (ibid.) calls 6+4 tefilla b'tzibbur and ten together tefillat hatzibbur. Igrot Moshe (ibid. 29) says that the presence of ten men draws the Divine Presence (see Berachot 6a), but only with ten davening together are the tefillot accepted in the best way (see ibid. 8a).

The Rambam (see last week) seems to view 6+4 for chazarat hashatz as ideal tefilla b'tzibbur because chazarat hashatz's importance exceeds that of a minyan for silent Shemoneh Esrei. The Chatam Sofer (Kovetz 4) holds this, whereas Igrot Moshe (OC III:9) denies such an opinion. The Rambam thus can agree that 6+4 counts only for chazarat hashatz but say this suffices. If so, for the majority, who prefer silent Shemoneh Esrei to chazarat hashatz, the Rambam is not a proof. It might also work only with a full nine people answering every beracha and only for those who answer (see Kinyan Torah Ba'halacha IV:5). It also would not help at Maariv.

So, there is relative value in being stringent, but at what price?

Philosophically, approaching prayer united with the community is crucial (see Ein Ayah, Berachot 1:48,89). While it is hard to prove that ten starting Shemoneh Esrei together are a condition for unity, the Talmudic sources stress maximizing these elements. Therefore we urge the following. A minyan that has time for a complete tefilla experience (e.g., a yeshiva), should wait as long as necessary for ten to start together. Waiting can also remind individuals to come early enough and/or learn the halachot of skipping. A minyan that needs to stick to schedule (e.g., people must be on time to work) and/or is harder to educate may rely on the lenient opinions rather than tack on minutes. (One should try to internalize his responsibility for a minyan's existence/proper functioning (see Rama, OC 55:22).)

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**Rabbi Wein's Weekly Blog MISHPATIM**

The Talmud develops for us the complex laws that are laid out here in this week's Torah reading. In fact, a great proportion of the tractates of the Talmud are involved in explaining the words, ideas and practical implications of the verses that appear in this week's Torah reading. Judaism is a religion of behavior and practicality and not only of soaring spirituality and otherworldly utopian ideas. It presupposes that there will be physical altercations between people, that property will be damaged, that human beings will behave in a less than sanguine fashion and that monetary and

physical consequences for such behavior are necessary in order to allow for society to function. Above all else, the Torah is clear eyed about human nature and behavior. It does not believe that human beings left to their own resources and ideas will behave in a good, honest and noble fashion. The Torah stated at the beginning of its message to humanity that the nature of human beings is unhealthy and evil from the onset of life. Unless it is managed, controlled and channeled into positive deeds and thought processes steered towards higher and nobler goals, human beings will be little different than the beasts of prey, which inhabit the animal world. This is the reason why the Torah and Talmud go to such lengths and detail to explain to us the laws and consequences of human behavior and of the interactions between one human being and another. This is what traditional Judaism meant when it said that Baba Kama – the laws of torts and damages – is the best book of Jewish ethics available. The problem that has gnawed at human society over the ages is how to create and maintain a fair, just and productive society. Humankind has yet to come up with the perfect solution to this basic problem. This is not for lack of trying and experimentation. Nevertheless the search continues. The Torah reading of this week leaves me with the impression that the perfect society will not appear on this earth in this human cycle. The laws of the Torah, as expressed in this week's parsha, are really those of damage control. They do not envision a world of voluntary altruism on the part of all. There will be people who negligently cause damage to others. There will be people who will do so willfully. The Torah says very little about preventing such occurrences. It speaks only to legal and monetary consequences that these occurrences bring about. This is not a pessimistic view of life and humans. Rather, it is a realistic assessment of human nature and of the inevitable consequences that are always present in the interaction of human beings. By viewing the the consequences of human behavior, only then can one hope to influence this failure and to prevent strife and damage to others. The nineteenth century posited that humanity had turned the corner and the societies in the world would only become better and better. The twentieth century shattered that illusion. Therefore, we should remain realistic, drive defensively and work on ourselves to become better people who will not allow lawlessness and anarchy to rule our world. Shabbat shalom Rabbi Berel Wein

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**The Mitzvah Snatcher By Rabbi Yirmiyohu Kaganoff**  
CHAPTER 1 A QUICK DAVENING

Yankel is in the year of mourning for his father and meticulously fulfills his filial responsibility to “*daven* in front of the *amud*.” Finding himself one day at a *Mincha minyan* in an unfamiliar neighborhood, he races to the *amud* before anyone else gets a chance. After *davening*, a nicely dressed gentleman hands Yankel a business card and asks if he can speak to him for a second.

“Are you new in the neighborhood? I don’t believe we have ever met before. My name is Irving Friedman.”

“Mine is Yankel Schwartz. No, I don’t live here. I was just passing through and needed a *Mincha minyan*.”

“Oh, I would like to make your acquaintance. Could I trouble you for your phone number?”

Not suspecting anything, Yankel provides Irving Friedman with his home, business, and cell phone numbers. Friedman then asks him for his home address, which arouses Yankel’s suspicion. “Why do you want to know?”

“Well, I guess I should be straightforward with you,” Irving continues. “I want you to be aware that you owe me a huge amount of money. You see, I have the *chazakah* of *davening* at the *amud* during this *minyan*. By grabbing the mitzvah, you stole from me nineteen *brachos* of the repetition of *Shmoneh Esrei* and two *Kaddeishim*, for each of which you owe me ten gold coins. I have made the exact calculation on the back of my business card. If you doubt that you owe me this money, I suggest you discuss the matter with your own *rav*. Since you look like an *ehrliche yid*, I assume that you will attempt to pay me before Yom Kippur. However, if that is too difficult, I am willing to discuss a payment plan. You have my phone number on the card.” With this, Irving Friedman (not his real name) got into his car and drove off.

A bit bewildered at this surprising turn of events, Yankel looked at the business card in his hand. The front of the card had Friedman’s name, business address, and the title and logo of his business. On the back, Yankel found the following hand-written calculation:

Invoice:  
19 *brachos* @ 10 gold *dinar* coins each = 190 gold *dinar* coins. 2  
*kaddeishim* @ 10 gold *dinar* coins each= 20 gold *dinar* coins.  
Total 210 gold *dinar* coins.

Based on my research, these coins are worth between \$24 and \$200 each, in contemporary dollars (see *Shiurei Torah*, pg. 302.) This makes a total outstanding debt of between \$5,040 and \$42,000.

I am willing to accept the lower sum, and I am willing to discuss a payment schedule. Yours sincerely, I. Friedman

CHAPTER 2

Yankel was shocked. He presumed that Irving Friedman was pulling his leg. Yet, Friedman’s demeanor about the entire matter had been so business-like that it did not seem Friedman was playing a prank on him. “Five grand for one *Mincha*. He must be kidding!!” was all Yankel could think.

Yankel now realized that his running to the *amud* was very presumptuous. Usually, one goes to the *amud* when asked by a *gabbai*, unless one has a regular *chazakah* to *daven* at the *amud* during that particular *minyan*. Yankel realized that his enthusiasm to get the *amud* had clouded his reasonable judgment.

Back in his own *shul* and on familiar turf, Yankel *davened maariv* at the *amud* uneventfully and then noticed his good buddy, Shmuel. Besides being a good friend, Shmuel was more learned than Yankel and would be able to help him sort out what had happened. Yankel told Shmuel about the day’s events and showed him the business card.

“I know that the *Gemara* talks about charging someone ten gold coins for snatching a mitzvah, but I never heard of someone trying to collect it,” was Shmuel’s surprised reaction.

“Where do you think Friedman got this dollar figure?”

“He has a note on the card quoting ‘*Shiurei Torah*, pg. 302.’ This is a *sefer* on the subject of *halachic* measurements. I don’t have the *sefer*, but let’s see if the *shul* has a copy.”

Sure enough, the *shul* library had a copy of *Shiurei Torah* by Rav Avrohom Chayim Na’eh, one of the *gedolei poskim* in *Eretz Yisroel* about sixty years ago. Shmuel located the chapter where the *sefer* discusses the *halachic* sources for determining the value of “ten gold coins,” and indeed, Friedman’s calculations were based on the conclusions of *Shiurei Torah*.

“What should I do? \$5,040 is a lot of money. Do I really owe him this much money because I *davened Mincha* without checking if someone else had a right to the *amud*?” Yankel asked his friend.

“Maybe discuss the issue with the *Rav*.”

CHAPTER 3

Still very disturbed about the matter, Yankel called Rav Cohen to schedule an appointment. By now, he regretted his rash *Mincha davening*, and realized that it is far more important not to infringe on someone else’s mitzvah than to *daven* at the *amud*.

At the appointed time, Yankel arrived at Rav Cohen’s office and explained the whole story, showing him the calculation on the back of the business card.

Rav Cohen noticed a *halachic* flaw in Mr. Friedman’s argument, but felt that Yankel would benefit more if he found out this information a bit later. The sage knew that this was not the first time that Yankel’s impetuous nature had gotten him into trouble. This situation might help him realize not to be so rash.

Rav Cohen introduced Yankel to the *halachic* issues involved. “As we know from the *Chumash*, someone who *shechts* a bird has a mitzvah of “*kisui hadam*,” to cover the blood with dirt. The *Gemara* (*Bava Kamma 91b*) tells us a story of a *shocheit* who *shechted* a bird and then, before he had a chance to fulfill the mitzvah of covering the blood, someone else covered it, thus snatching the mitzvah. The *shocheit* brought the offending party to a *din Torah* where the great *Tanna* Rabban Gamliel presided. Rabban Gamliel ruled that the ‘mitzvah snatcher’ must pay ten gold coins for taking someone else’s mitzvah.”

“But in that case he is being fined for taking away his mitzvah, not for the *bracha*,” Yankel countered.

“Actually, the *Gemara* (*Chullin 87a*) asks exactly this question. The *Gemara* cites a case where someone grabbed someone else’s right to lead the *bensching*. In the time of the *Gemara*, when a group of people *bensch*ed together, one person recited the entire *bensching* aloud, and the others listened attentively and answered *amen* when he finished each *bracha*. By hearing the *brachos* of the person reciting the *bensching*, they fulfilled their obligation to *bensch*.

“In this instance, someone else began *bensching* other than the person who had the right to *bensch*. The *Gemara* discusses whether the person who *bensch*ed must

compensate for one mitzvah, which is ten gold coins, or for four *brachos*, which is forty coins.”

Yankel, now keenly aware of the difference between ten coins and forty, lets out a sigh. “How does the *Gemara* rule?” asked Yankel, hoping that the *Gemara* would rule in his favor and save him a lot of money. After all, if the *Gemara* rules that the entire *bensching* is only one mitzvah, his nineteen snatched *brachos*, which are only one mitzvah, are worth only ten gold coins. However, if the *Gemara* rules that he must compensate per *bracha*, he must pay 190 gold coins. By some quick arithmetic, Yankel figured that this saves him at least \$4,500! He had never before realized before how much a *Gemara* discussion might be worth.

Rav Cohen realized what was going through Yankel’s head. “Well, there are other issues that impact on your case, but .... the *Gemara* rules that he must pay forty gold coins.”

The ramifications of this ruling were not lost on Yankel. “But what is he paying for? He didn’t take anything.”

“That is a really good question,” responded the Rav patiently. “*Rashi* (*Chullin* 87a) explains that the mitzvah snatcher is paying for the reward that he deprived the other person of when the mitzvah was taken away.”

“I didn’t know you could put a price tag on a mitzvah’s reward,” Yankel blurted out. “The reward for a mitzvah is priceless!”

The Rav could not miss this opportunity. “If that is so, then you are really getting a very good bargain.”

“Why?”

“What is worth more, the mitzvos one observes, or the money being paid as compensation?”

“Put that way, I must admit that it is a bargain. But it is still a very expensive bargain!”

Yankel continued. “Are there any other instances of collecting money for someone taking away a mitzvah?”

“The *Gemara* discusses a *din Torah* raised by a person whose tree was overhanging a public area and could cause potential damage. Before he could trim the tree, someone else chopped down the problematic branches. The owner placed a claim in *beis din* against the chopper for snatching his mitzvah. The *beis din* sided with the owner that his mitzvah was indeed snatched.”

“Shmuel told me that he never heard of anyone collect money for snatched mitzvos. Is there any discussion after the time of the *Gemara* about collecting for snatched mitzvos?”

“*Tosafos* discusses a case when someone was ‘called up’ for an *aliyah*, and another person went up for the *aliyah* instead, thus snatching two *brachos* away from the person who had a right to them.”

“What *chutzpah!*” blurted out Yankel. Then, realizing the hypocrisy in his reaction, he added. “I shouldn’t be the one to talk. If I had a little less *chutzpah*, I wouldn’t have gotten into such hot water.”

“Whatever happened to this *aliyah* snatcher?” queried Yankel.

“How much do you think he should have paid?” replied the Rav, cunningly waiting for the best time to reveal the rest of the story.

“Well, based on the *bensching* case where he paid forty coins for four *brachos*, I would imagine the *aliyah* snatcher should pay twenty coins for two *brachos*, one before and one after the *aliyah*.”

“You are catching on really well,” complimented the Rav.

“Well, if I do end up financially poorer for this experience, at least I should end up a bit wealthier in Torah learning,” concluded Yankel. “But what do the *poskim* rule?”

Rav Cohen decided it was now time to let Yankel in on the secret. “There is a dispute in this question between Rabbeinu Tam and his nephew, Rabbeinu Yitzchok. Rabbeinu Yitzchok rules exactly like you contended – the *aliyah* snatcher must pay twenty gold coins. However, Rabbeinu Tam ruled that he is not required to pay at all (*Tosafos*, *Bava Kamma* 91b s.v. *vichiyavo*).”

Yankel was on the edge of his chair. Maybe Rabbeinu Tam would be his savior!

“How did Rabbeinu Tam get him off the hook?” was all Yankel wanted to know.

Rav Cohen leaned toward Yankel, asking him, “Which act earns more reward, reciting a *bracha* or answering *amen*?”

“I would assume reciting the *bracha*,” responded Yankel, “But because of the way you asked the question, I must be wrong.”

“Indeed, the *Gemara* (*Berachos* 53b) declares that it is greater to recite *amen* than to recite the *bracha*. Rabbeinu Tam understands this to mean that the person who answers *amen* receives more reward than the person who recites the *bracha*! He therefore concludes that the person who snatched the *aliyah* need not pay, since the person who should have received the *aliyah* would receive even more reward for reciting *amen* to the *bracha*. Remember, the compensation is for losing reward, and the *aliyah* snatcher did not take away any reward.”

“One second,” blurted out Yankel, “The guy who covered the blood also didn’t stop the *shocheit* from reciting *amen*. Why did he have to pay?”

“That is a really good question that the later *poskim* ask. There are two very different approaches to explain why Rabbeinu Tam agrees that the blood coverer must pay the *shocheit*. Some contend that he recited the *bracha* in a way that the *shocheit* did not hear the *bracha* and that is why he must pay. According to this approach, had the *shocheit* heard the *bracha*, he would not collect compensation for losing his mitzvah. Others contend that the *shocheit* has two different claims, one for the mitzvah and the other for the *bracha*. Answering *amen* provides an even greater reward than reciting the *bracha*, so the *shocheit* does not collect for missing the *bracha*. However, the *shocheit* still lost the reward for performing the mitzvah, and for this loss he deserves compensation (*Sma* 382:7; *Shach* and other commentaries ad loc.).”

“Is this why Shmuel said he never heard of someone trying to collect ten gold coins for a snatched mitzvah?”

“No. Actually, the reason for this is a bit complicated,” began the Rav. “Technically, only a *beis din* whose members received the original *semicha* that Moshe Rabbeinu conferred to Yehoshua can enforce a financial claim. Since we no longer have this *semicha*, this would mean that no one could ever collect damages or a bad debt. To avoid this problem, *Chazal* instituted that one can collect damages or debts through any *beis din*. However, *Chazal* instituted this method of collecting only when a person suffered out-of-pocket losses, as he does in the case of a bad debt or an injury. When someone took another person’s mitzvah, however, although this is a real loss, there was no out-of-pocket loss. The result is that a mitzvah snatcher owes money and should pay it, but there is no way to force him to pay the debt (*Tosafos*, *Bava Kamma* 91b s.v. *vechiyavo*). However, since there is definitely a moral obligation to pay, the aggrieved party is permitted to seize property as payment.”

Yankel nodded, showing that he understood. “In conclusion, according to many opinions, I owe Mr. Friedman a considerable amount of money. Does it make any difference that I was unaware that he had the right to the *amud* and didn’t know that I could become obligated to pay a huge sum of money?”

“It should not make any difference, since you owe him for taking away his reward, which is something that you did whether you realized it or not.”

“Do I also owe him for the two *kaddeishim*? These are not *brachos*,” inquired Yankel.

“It would seem that Mr. Friedman considers them to be mitzvos, and from his perspective he is probably right. It is true that whether one snatched someone else’s *bracha* or his mitzvah, one is required to pay compensation for his lost reward.

However, it is not clear from the *poskim* whether one must pay for depriving someone of a mitzvah that is not *min haTorah* (*Yam Shel Shelomoh*, *Bava Kamma* 8:60).”

“What about the fact that he said *amen* to my *brachos*. Does that get me off the hook? Do we *paskin* like Rabbeinu Tam?” The hope in Yankel’s voice was very obvious.

“Actually, there is a big dispute among *poskim*. Many rule like Rabbeinu Tam, but this is certainly not a universally held position (see *Shulchan Aruch*, *Choshen Mishpat* 382 and commentaries).”

“What does the Rav *paskin* in this situation?”

I would suggest that one follow the decision of the *Taz* (end of *Choshen Mishpat* 382), who says that you should contact Mr. Friedman and apologize, and offer some compensation (*Aruch Hashulchan* 382:7).”

Yankel phoned Irving Friedman. After a few pleasantries, he apologized for having taken the “*amud*” from him that fateful afternoon, and discussed the conversation he had with Rav Cohen. He offered him some financial compensation, but far less than \$5000, which Friedman accepted, and that was the last time Yankel “*chapped*” an *amud* without asking beforehand.

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**ohr.edu Ohr Somayach :: Torah Weekly :: Parshat Mishpatim Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com For the week ending 25 February 2017 / 29 Shevat 5777**

**“If a man shall uncover a pit... the owner of the pit will pay money; he will return (it) to his owner...” (21:33) Insights No Man Is an Island** “No man is an island entire of itself” wrote John Donne in 1624. As Jews we may take this anti-isolationist exhortation one step further.

A Jew has the power to bring a flow of blessing into this world or, G-d forbid, the reverse. As Rabbi Yitzhak Hutner (*zatzal*) once put it, “Between us and the Ribbono Shel Olam, there is no Switzerland” (This was, of course, back in the days when Switzerland still had an untarnished reputation for neutrality.)

Nothing a Jew does is neutral.

A Jew has the keys to the physical and spiritual bounty reaching this world. It all depends on us doing the Will of G-d.

“If a man shall uncover a pit...”

Every person who sins “uncovers a pit” in this world by creating damaging spiritual forces that may harm others. The solution is that “the owner of the pit will pay.” In other words, the one who sinned should repair the situation by returning kesef (literally ‘money’). The word kesef in Hebrew is from the same root as “desire” or “longing”.

The way we can fix the damage, the uncovering of a spiritual pitfall, is by our longing to return to “the Owner” of the world — to G-d. \ Sources:

*Likutei Sfat Emet in Mayana shel Torah*

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### ***OU Torah Reflections on Empathy Rabbi Dr. Tzvi Hersh Weinreb***

My long-standing interest in the concept of “empathy” has two sources.

Early in my postgraduate training, I became familiar with the important role that empathy plays in successful psychotherapy. As the eminent psychotherapist Carl Rogers wrote, “Empathy is the accurate understanding of the other person’s world as seen from the inside.” In colloquial terms, a person possesses empathy if he can honestly say to another person, “I know where you’re coming from.” Borrowing from the language of Native Americans, empathy is the ability to “walk in the other person’s moccasins.” Over time, I began to appreciate that empathy is an important ingredient in every area of human relations, and not only in the counseling profession.

Furthermore, I came to learn that the dictionary definition of “empathy” goes beyond Rogers’ call for “accurate understanding” and transcends the capacity to “know” where the other person is coming from. There is an emotional component to empathy as well, and it is reflected in the dictionary definition: “The ability to share in another’s emotions or feelings.”

Webster’s New World Dictionary informs us that the origin of the English word “empathy” is to be found in the Greek word “pathos,” or “feeling.” In fact, the use of the word “empathy” in the English language was the result of an attempt to translate the German word *einfühlung*, or “in + feeling.” The second source of my interest in empathy is the Torah. That “empathy” is an important concept in the Jewish religion is amply demonstrated in this week’s Torah portion, Parshas Mishpatim (Exodus 21:1-24:18). There, we find sound evidence that besides “knowing” where the other person is coming from, it is important to, using another colloquial phrase, “feel his pain.” Consider the following verses: “You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. You shall not ill-treat any widow or orphan. If you do mistreat them, I will heed their outcry as soon as they cry out to Me... If you lend money to My people, to the poor among you, do not act toward them as a creditor... If you take your neighbor’s garment in pledge, you must return it to him before the sun sets; it is his only clothing... In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate.” (Exodus 22:20-26). These verses make it clear that it is not only decent behavior toward the needy that is expected of us. Rather, we must “know where they are coming from,” for after all, we too were once strangers. And we must “feel the pain” of the widow and the orphan and the poor, and we must appreciate how close they are to tears of desperation. Rashi, the greatest of our commentators, demonstrates how very well he understood the concept of empathy in his comment upon the phrase, “the poor among you, et he’ani imach.” Literally, this can mean “the poor person within you,” prompting Rashi to recommend that we “look well at ourselves and imagine that we too are poor.” Rashi thus urges us to “walk in the moccasins” of the unfortunate impoverished person.

For Rashi, the Hebrew word *imach* is synonymous with *einfühlung*, “in-feeling,” or empathy. There is a nuance in the Hebrew text of the first verse quoted above which is typically lost in translation. Literally, the verse reads, “If you do mistreat, mistreat him, then if he cries out, cries out to Me, I will heed his outcry.” That is, the verb “mistreat” is doubled, as is the verb “cry

out.” There is a passage in a Midrash known as *Yalkut Shimoni*, which comments upon the repetition of the verb “cry out.” I quote from the *Yalkut* on Psalms 62, paragraph 723: “A human being, mere flesh and blood, cannot hear the cries of two individuals who are crying simultaneously. However, the Creator can. Even when all of the world’s inhabitants cry out at once, He hears every individual cry, as it is written, ‘All mankind comes to You, You who hear prayer.’ (Psalms 65:3)” This passage implies that, whereas a person’s auditory capacities allow for two or more voices to register, no man can feel the pain of two different individuals at the same moment. The emotional effort needed to truly empathize with one other person is all-consuming, and there is no room left within us to feel the pain of yet another person at that same time. Only the Almighty Himself can “multi-task” empathy. Both the faithful Jew and the secular ethicist have traditionally valued empathy in interpersonal affairs. However, a contemporary philosopher has recently expressed his opposition to empathy. I refer to Yale psychology professor Paul Bloom, whose book *Against Empathy: The Case for Rational Compassion* is a scathing critique of empathy as a moral guide. Among other things, Bloom feels that empathy wrongly prioritizes the sufferings of specific individuals over those of nameless multitudes. For example, he writes that it is easy to empathize with a baby who’s fallen down a well but hard to feel the pain of the billions of people whose lives will be ruined by climate change. Bloom’s book forces us to think deeply about the limits of empathy. It is interesting to me that in some ways, his argument is in tune with the Midrash that I just quoted. Since the empathic response of the human being seems to be limited to one individual at a time, passionately caring for one unfortunate person may indeed blind us to the pain of the many who are otherwise suffering. How relevant here is another passage, this one from the Talmud, which modifies the position taken by the Midrash. This second passage encourages us to transcend our empathic limitations, and in the spirit of imitatio dei, imitate our Creator and expand our empathic capacities to include the larger community. This passage reads: “When the community is suffering, a person should not say to himself, ‘I will go to my own home, and eat and drink, and imagine myself at peace...’ But rather, he should share in the community’s pain. So we find that Moses our Master shared in the pain of the community, as is written: ‘But Moses’ hands grew heavy; so they took a stone, and put it under him and he sat on it...’ Did Moses not have a cushion or pillow to sit upon? No! Moses insisted, ‘Since Israel is in pain, I will be with them in their pain.’” (Babylonian Talmud Tractate Taanit 11a) The medieval commentator Nachmanides, or Ramban, supplements this passage by noting that Moses positioned himself on a hilltop, “so as to better observe the people in their suffering, and so that he could direct his heart toward them.” Clearly Moses exemplified the ability not only to “know” but to “feel” the pain of a multitude of others. Moses demonstrated that empathy is not merely a helpful moral guide. It is an indispensable prerequisite for a leader and, quite possibly, an obligation for us all. How telling it is that Moses understood the power of empathy even at the very beginning of his leadership career. As we read in the weekly portion some weeks ago in Parshat Shemot, “Moses grew up and went out to his brethren and saw their suffering”. Rashi is apparently troubled by the following question: “If he went out to his brethren, do we need to be told that he saw their suffering? Obviously, he had eyes and he saw their suffering!” To which Rashi responds, “He directed his eyes and his heart toward them so that he would suffer along with them.” In this, the very first step that Moses took along his path of leadership, he used his eyes to “know” what his people were experiencing, and he used his heart to “feel their pain.”

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***God’s Nudge***

***Britain’s Former Chief Rabbi Lord Jonathan Sacks***

First in Yitro there were the Aseret Hadibrot, the “ten utterances” or general principles. Now in Mishpatim come the details. Here is how they begin: If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything . . . But if the servant declares, ‘I love my master and my wife and children and do not want to go free,’ then his master must take him before the judges. He shall take him to the door or the doorpost and pierce his ear with an awl. Then he will be his servant for life. (Ex. 21:2-6) There is an obvious question. Why begin here? There are 613 commandments in the Torah. Why does Mishpatim, the first law code, begin where it does? The answer is equally obvious. The Israelites have just endured slavery in Egypt. There must be a reason why this happened, for God knew it was going to happen. Evidently He intended it to happen. Centuries before He had already told Abraham it would happen: As the sun was setting, Abram fell into a deep sleep, and a thick and dreadful darkness came over him. Then the Lord said to him, “Know for certain that for four hundred years your descendants will be strangers in a country not their own and that they will be enslaved and mistreated there. (Gen 15:12-13) It seems that this was the necessary first experience of the Israelites as a nation. From the very start of the human story, the God of freedom sought the free worship of free human beings, but one after the other people abused that freedom: first Adam and Eve, then Cain, then the generation of the Flood, then the builders of Babel. God began again, this time not with all humanity, but with one man, one woman, one family, who would become pioneers of freedom. But freedom is difficult. We each seek it for ourselves, but we deny it to others when their freedom conflicts with ours. So deeply is this true that within three generations of Abraham’s children, Joseph’s brothers were willing to sell him into slavery: a tragedy that did not end until Judah was prepared to forfeit his own freedom that his brother Benjamin could go free. It took the collective experience of the Israelites, their deep, intimate, personal, backbreaking, bitter experience of slavery – a memory they were commanded never to forget – to turn them into a people who would no longer turn their brothers and sisters into slaves, a people capable of constructing a free society, the hardest of all achievements in the human realm. So it is no surprise that the first laws they were commanded after Sinai related to slavery. It would have been a surprise had they been about anything else. But now comes the real question. If God does not want slavery, if He regards it as an affront to the human condition, why did He not abolish it immediately? Why did He allow it to continue, albeit in a restricted and regulated way? Is it conceivable that God, who can produce water from a rock, manna from heaven, and turn sea into dry land, cannot change human behaviour? Are there areas where the All-Powerful is, so to speak, powerless? In 2008 economist Richard Thaler and law professor Cass Sunstein published a fascinating book called *Nudge*. In it they addressed a fundamental problem in the logic of freedom. On the one hand freedom depends on not over-legislating. It means creating space within which people have the right to choose for themselves. On the other hand, we know that people will not always make the right choices. The old model on which classical economics was based, that left to themselves people will make rational choices, turns out not to be true. We are deeply irrational, a discovery to which several Jewish academics made major contributions. The psychologists Solomon Asch and Stanley Milgram showed how much we are influenced by the desire to conform, even when we know that other people have got it wrong. The Israeli economists, Daniel Kahneman and Amos Tversky, showed how even when making economic decisions we frequently miscalculate their effects and fail to recognise our motivations, a finding for which Kahneman won the Nobel Prize. How then do you stop people doing harmful things without taking away their freedom? Thaler and Sunstein’s answer is that there are oblique ways in which you can influence people. In a cafeteria, for example, you can put healthy food at eye level and junk food in a more inaccessible and less noticeable place. You can subtly adjust what they call people’s “choice architecture.” That is exactly what God does in the case of slavery. He does not abolish it, but He so circumscribes it that He

sets in motion a process that will foreseeably, even if only after many centuries, lead people to abandon it of their own accord. A Hebrew slave is to go free after six years. If the slave has grown so used to his condition that he wishes not to go free, then he is forced to undergo a stigmatising ceremony, having his ear pierced, which thereafter remains as a visible sign of shame. Every Shabbat, slaves cannot be forced to work. All these stipulations have the effect of turning slavery from a lifelong fate into a temporary condition, and one that is perceived to be a humiliation rather than something written indelibly into the human script. Why choose this way of doing things? Because people must freely choose to abolish slavery if they are to be free at all. It took the reign of terror after the French Revolution to show how wrong Rousseau was when he wrote in *The Social Contract* that if necessary people have to be forced to be free. That is a contradiction in terms, and it led, in the title of J. L. Talmon’s great book on the thinking behind the French revolution, to totalitarian democracy. God can change nature, said Maimonides, but He cannot, or chooses not to, change human nature, precisely because Judaism is built on the principle of human freedom. So He could not abolish slavery overnight, but He could change our choice architecture, or in plain words, give us a nudge, signalling that slavery is wrong but that we must be the ones to abolish it, in our own time, through our own understanding. It took a very long time indeed, and in America, not without a civil war, but it happened. There are some issues on which God gives us a nudge. The rest is up to us. © 2017 Orthodox Union

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**Rabbi Eliakim Koenigsberg**

***The Importance of Hakaras Hatov***

"Do not accept a bribe, for the bribe will blind those who see and corrupt words that are just." (Shemos 23:6.) The Torah prohibits a judge from taking a bribe because that will influence him and prevent him from judging impartially.

The Gemara (Kesubos 105b) points out that accepting a bribe refers not only to shochad mamon - a monetary payment. Even shochad devarim - a bribe of words - is forbidden. This includes accepting a favor or any kind of non-monetary benefit from one of the litigants.

The Gemara gives several examples of how careful the chachomim were about this halacha. Shmuel disqualified himself from judging a case which involved someone who had helped him cross a bridge. Ameimar refused to judge a case because one of the litigants had removed a feather that had fallen on Ameimar's head. Mar Ukva recused himself from a case which involved someone who had cleaned the street for him. And Reb Yishmael b'Reb Yosi refused to judge his sharecropper after the sharecropper brought Reb Yishmael's portion of fruits one day earlier than usual.

At first glance, the Gemara seems puzzling. Did these chachomim really believe that their judgement would be clouded just because one of the litigants did a small favor for them? Would they really have a prejudice just because someone helped them cross the street or cleaned their hat? Why were they so quick to disqualify themselves? After all, Rashi writes (Kesubos 106a) that it is a mitzvah to judge a case if one is able to do so.

One answer might be that these chachomim understood how powerful even a small negiyah, a small interest, can be. If someone does a favor for a judge, it is impossible for that judge not to feel some kind of affinity toward the person who did him the favor. Even if a negiyah is so small that it seems insignificant, the fact is it will give the judge a bias and prevent him from judging impartially. The Gemara (ibid) cites this idea in the name of Rava. "Why is it forbidden to take a bribe? The reason is that when a person accepts a bribe ikriva lei daytei legabei vehavi k'gufe - he feels close to the donor, as if the donor is like himself, and a person does not see wrong in

himself. What does the word shochad mean? Shehu chad - it is something that makes them like one."

This is one way to understand the behavior of the chachomim in the Gemara. But Rav Pam explained differently. He suggested that the Gemara is not simply highlighting the powerful effect that even a small bribe can have on a judge. Rather, the Gemara is teaching the importance of hakaras hatov, of appreciating every small favor that another person does for us. The chachomim mentioned in the Gemara appreciated every small kindness they benefited from, and that is why they were concerned that if someone did them a favor, they would not be able to judge them without bias, because even a small favor would be considered in their eyes like a significant bribe since they appreciated it so much. The message of the Gemara is that we should appreciate every small favor someone does for us. We should feel that they are giving us so much even if in reality they are doing very little for us.

Often people feel a sense of entitlement. They don't appreciate what others do for them, especially when the other person is someone they interact with on a daily basis like a parent or a spouse. People don't feel the need to thank someone else for their time and effort, for their financial or emotional support. The prohibition of accepting even a small bribe demonstrates the sense of gratitude that we should feel for every small kindness that someone else does for us.

But perhaps the greatest hakaras hatov that we should feel is toward Hakadosh Boruch Hu. The story is told about a young man who saw the Chofetz Chaim davening a long Shemoneh Esrei. He said to him, "Rebbe, I see you're davening a long Shemoneh Esrei. What great kavanos (intentions) do you have? I'd like to have some of those kavanos too." The Chofetz Chaim sighed and said to the young man, "I don't really have such lofty kavanos. I just try to have in mind the simple meaning of the brachos of the Shemoneh Esrei. But when I get to the bracha of Modim, and I think of everything Hakadosh Boruch Hu has done for me, it just takes a long time to say thank you." If only we appreciated the importance of expressing our hakaras hatov for every small kindness, we would realize there is a lot to say thank you for. *More divrei Torah from Rabbi Koenigsberg Copyright © 2017 by TorahWeb.org*

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**Rabbi Yissocher Frand Parshas Mishpatim Our Neshama is a Deposit / Negative Events in Full Context Explaining The Zohar Quoted By The Ketzos** This week's parsha contains the mitzvah of lending money to another Jew. A person may not charge interest. If someone takes a security deposit and the borrower needs it at night (e.g. — it is his bedclothes) then it must be returned each night, etc. A certain individual named, Reb Yosef Gelb, who lives in Lakewood, called me this week and told me the following idea he recently heard from Rav Matsiyahu Solomon, the Mashgiach in Lakewood. The Ketzos HaChoshen rules that if Reuven borrows money from Shimon and Shimon is holding a deposit (pikadon) that belongs to Reuven, if Reuven does not pay up the debt, Shimon can keep the deposit he is holding in lieu of payment of the debt. In other words, if Reuven borrowed \$500 from Shimon and Shimon happens to be a shomer [guardian] of Reuven's watch worth \$500, if Reuven does not repay the \$500, Shimon can keep the watch. Then the Ketzos HaChoshen does something that he does not do anywhere else in the entire sefer: the Ketzos quotes a Zohar. The Zohar says that even though legally the lender may keep the deposit, morally someone should not do this. Rav Matsiyahu Solomon says that his Mashgiach — Rav Eliyahu Lopian, zt"l — asks: What is the meaning of such a statement? If the halacha states that the lender is entitled to keep the deposit, why does the Zohar say that he should not avail himself of this permission? Rav Lopian explained: The Almighty gave each and every one of us a deposit — our

soul (neshama). "My L-rd, the soul that You gave me is pure, You created it, You formed it..." The Ribono shel Olam tells us to watch our neshama and then at the end of our lives to return it to Him. Every single night, when we go to sleep, the Ribono shel Olam takes back that neshama. Hopefully, every single morning He returns it to us and we say "I gratefully thank You O living and eternal King, for You have returned my soul within me with compassion — abundant is Your faithfulness!" We all owe the Ribono shel Olam big time. We have big debts that we owe Him. We do not always behave properly. Nevertheless, He keeps extending our credit. G-d could tell us "Listen here. You owe me a lot. I have this 'deposit' of yours. I could keep it in lieu of you paying your debt to Me." However, the Ribono shel Olam does not do that. This is the interpretation of the Zohar. The Zohar says that even though we are halachically permitted to keep the deposit, but just think — if someone will insist on his rights in this situation, the Almighty, as it were, could stand on His rights and one fine morning He could say, "You know what? I am sick and tired of you not paying up. I am going to keep your neshama that I have on deposit!" The way we treat others is the way the Ribono shel Olam will treat us. This is why the Zohar says that despite the fact that you have the right to keep your neighbor's pikadon if he owes you and is negligent in his payment, do not do it! This will be a merit, a segula, that the Almighty should treat you in the same generous fashion. **Obviously The Dog Did Not Do His Job Here, So Why Is He Being Rewarded?** I would like to share a new insight into a Da'as Zekeinim m'Baalei haTosfos in this week's parsha. The pasuk states "People of holiness shall you be unto Me; and flesh in the field that has been torn you shall not eat; you shall throw it to the dog." [Shmos 22:30] As the Ramban explains in his Chumash commentary, this is really an introduction to all the laws of Kashrus. Kashrus is about Kedusha [holiness]. This is why the Ramban records all the laws of permissible and forbidden foods in his "Book of Holiness" [Sefer Kedusha] within Mishna Torah. By abstaining from forbidden foods, we become holier people. People who unfortunately indulge in forbidden foods are doing something extremely detrimental to their souls. It affects their kedusha [sanctity]. It affects their Yiddishe neshama [Jewish soul].

Even though we speak colloquially of something treife as being non-Kosher in general, literally the word treife is actually a technical term as used in this pasuk. It refers to a kosher animal that was torn by a wild animal in the field, rather than dying through ritual slaughter (shechitah). What should we do with such an animal? The Torah says we are to give it to the dogs. The Daas Zekeinim explains the reason we are advised to give the torn animal to the dogs: The job of the sheep dog is to round up stray sheep and chase away wolves and coyotes. Since the dog risks its life for the welfare of the sheep, the shepherd should not be ungrateful to him, but should reward him with the inedible sheep that became treife. The question must be asked, however, that obviously the dog did not do his job here. If the dog would have done his job, there would be no torn sheep to throw to him. This is the equivalent of a night watchman in a jewelry store who falls asleep on the job and the store gets robbed. The owner hears the burglar alarm go off. He runs to the store and asks the night watchman "What happened?" The watchman answers, "Sorry. I fell asleep." Is the owner going to say "You know what? Here is a raise!" This is exactly the same thing — the dog did not do his job and we give him a bonus? We throw him the ripped up sheep meat? What is the meaning of this? The sefer Yismach Yehudah cites an explanation from a Rabbi Menachem Rabinovich. This idea teaches us a very important lesson in life. The Da'as HaZekeinim is teaching us that we must not only focus on the here and now — what has just happened yesterday or the day before. We need to look at the totality of the picture. When someone works for you or is a neighbor or a good friend and he has provided you with years and years of loyal service and dedicated friendship and then he makes a mistake and does something wrong or says something wrong — we must not forget what came before this mistake. I once heard a commercial many years ago for GM: "It is quintessentially American to ask

“What have you done for me lately?” This is a treife hashkafa (i.e. — it reflects a very inappropriate value system). What about what I have done for you all these years? How dare you ignore that! If it is quintessentially American to say, “What have you done for me lately?” it is quintessentially Jewish to say, “I know what you have done for me in the past and I appreciate it.” The Torah is teaching that even though the dog failed us this time and did not do his job, nevertheless, show hakaras haTov [gratitude] for what he has done in the past. This really becomes halacha l’maaseh (practical) in the relationship between husbands and wives. Husbands and wives who have been together for any amount of time have been good to each other, loyal to each other, and have taken care of each other. However, every so often, as we all know, there are lapses. Our tendencies are to focus right on that particular incident. The Torah says, “No. That is not the way you should look at it.” The Baalei Drush say the following. There appears to be a contradiction between peskum. One pasuk states “One who finds a woman finds good...” [Mishlei 18:22]. Another pasuk states “I find more bitter than death a woman...” [Koheles 7:26] The Talmud [Brochos 8a] reconciles the two by pointing out that the pasuk in Koheles uses the verb “find” in the present tense (motzai) and the pasuk in Mishlei uses the verb find in the past tense (matza). One of the many interpretations given to this Gemara is as follows. If someone looks at his wife, not only in terms of the present, but in terms of the totality of the past (matza), taking into account all the good times that have transpired and not only the here and now that may have featured some lapses, then it will be good (matza tov). This is how a successful marriage works. However, if it is always motzai — always focused on the here and now, then when something goes wrong, the only thing apparent will be the situation immediately in front of him — it will be a situation “more bitter than death.” Everybody makes mistakes and everybody fails from time to time. The lesson of “throw it to the dog” is “yes, the dog blew it this time and he failed;” but our outlook must be that we need to remember what the dog has done in the past and on the contrary, we need to remind ourselves that this was an infrequent occurrence. Why does this not happen every day? It is because the dog does his job. The one time that he messed up should not diminish our attitude towards him and therefore “when you find torn meet in the field which you cannot eat — throw it to the dog.” *Transcribed by David Twersky; Jerusalem DavidATwersky@gmail.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org*

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**Parshas Mishpatim**

**Rabbi A. Leib Scheinbaum**

***And his master shall bore through his ear with the awl; He then serves his master forever. (21:6)***

Why was the ear selected over any other limb of the body? Rabbi Yochanan ben Zakai explains that, if the ear heard at Har Sinai, “You shall not steal!” and the owner of that ear none- the-less went ahead and stole, his ear should be pierced. Why should the ear be singled out, given that the hands and feet were involved in an act of theft? They should be pierced! It is almost as if the ear was held responsible for the theft. Horav Tzvi Pesach Frank, zl, explains that the Giving of the Torah was not a one-time, isolated experience. Chazal teach that the Torah should be perceived by us as being newly-given every day. This means Hashem’s voice speaks to us anew all of the time: when we take a sefer in hand; when we study Torah, we are hearing the dvar Hashem, word of G-d, as it was heard then.

The sin of the ear is that it heard it once at Har Sinai, and that was it. It was a one-time hearing with no “follow up.” The fact that it did not hear the Lo signov, Do not steal, now, is the reason that the ear is pierced. We may never disconnect from Sinai. Hashem’s voice should resonate within us all of the

time. It is when we stop listening to His voice, however, that we also stop doing His will, observing His mitzvos.

***And his master shall bore through his ear with the awl. (21:6)***

Rashi quotes the well-known statement of Chazal, “The ear that heard at Har Sinai Lo signov, you shall not steal, and this one went and stole - it should be pierced with an awl.” The question is obvious: Is it not late for the reminder concerning Lo signov? The man stole six years ago. He did not have the money to pay his debt. As a result, he was sold into slavery for six years. Now, he seeks to extend his servitude. After all, he is happy here - nice boss, nice wife, nice children. Why ruin it all and leave? He might even have to go to work and earn a living! He should have had his ear pierced when he perpetrated the theft. Why did it happen six years later?

In his Yabia Omer, Horav Yehudah Leib Grubart cites an analogy to explain this. There was a Jew who did not go out of his way to work too hard at mitzvah observance. He was committed, but on his terms, when it was convenient. At times, he would recite Krias Shma at the required time. At times, he even put on his Tefillin before sunset. At times, he even attended minyan in shul. In other words, he never committed a grave sin (according to today’s standards). He simply stayed within the parameters of observance, so that no one could suggest that he did not practice.

One day, his evil inclination got the better of him, and he committed a grave sin, a truly egregious transgression. There was no covering up. He was taken to the rav to discuss his punishment. “Since you committed such a terrible sin, I fine you five thousand dollars, to be distributed among the poor,” the rav said.

“Rebbe! Five thousand dollars is outrageous. I have no problem giving charity, but such an outlandish sum! Rebbe, please have mercy!” was the sinner’s response.

“B’seder, fine,” said the rav. “Instead of paying a five thousand dollar fine, you must fast every Monday and Thursday for the following year.” “Fast? Rebbe, I am not a well man: my heart; my kidneys; I have problems with sugar. Fasting is much too dangerous an undertaking for someone in my physical condition” was the sinner’s response.

“OK. You refuse to pay a fine; you are unable to fast; then you will give up sleeping in your luxurious bed for three months. Instead, you will sleep on the floor. That will be your penance,” said the rav.

“On the floor? Rebbe, as it is I am almost a hunchback. I have back problems which require me to sleep in a specially crafted bed,” the sinner replied.

“Let me see,” said the rav. “You committed a grave sin, and you apparently have serious difficulties agreeing to the appropriate punishment. What should we do?”

“Rebbe, I have an idea. For one complete year, I will not receive an aliyah, be called to the Torah, Shabbos or during the week. That should be sufficient punishment for me,” the sinner countered.

“That is a fine? You call that punishment? For you, who hardly ever attends services in shul. How dare you call that penance? It is nothing more than another one of your deceptions. It will not work.”

The analogy is quite clear. A man fell to a nadir of sin to the point that he convinced himself that it was permissible to steal from a fellow Jew. He was apprehended and had no money left to pay his debt to the victim. As a result, the bais din sold him as a slave. Once he completed his term of punishment, he was told, “You may go. You are now a free man.” What was his response? “No, I am not leaving. I like it here. I have come to enjoy the company of my master, my wife and my children. I really would like to stay and continue my servitude.”

His reaction to being released is a clear indication that the six years of servitude had not been a punishment. A person should not want to continue as a slave, unless he enjoyed it, demonstrating that this was a vacation - not an act of penance and retribution. If this is the case, let him now have his ear pierced. Apparently, he did not hear very well when the prohibition against stealing was declared on Har Sinai.

***One who kidnaps a man and sells him, and he was found to have been in his power, shall surely be put to death. (21:16)***

Who would kidnap a fellow Jew? It would have to be someone who is depraved, an individual to whom human life has no meaning, certainly not someone who would refer to himself as an observant Jew. So we think. We must take into account that when one's life is threatened, especially when it means the possibility of losing one's own child, when the stakes reach such epic proportion - a person's mind becomes clouded and the rationality of his decisions become suspect. In other words, when it is "me" or "you" - it is not going to be "me." The following story, quoted in HaMeoros HaGedolim, is a classic which demonstrates that, when pushed up against a wall, the "finest" and the "best" might justify the most heinous, depraved acts against a fellow Jew.

It was during the reign of Czar Nikolai I, the Russian monarch who decreed that young Jewish boys could be taken from their families and forced to enter the Russian Army for a period of twenty-five years. This was the infamous Cantonist decree which destroyed the spiritual lives of many Jewish boys. In the army, they were forced to abandon their religion - which sadly became a reality. The city of Salant was not spared. It, too, was demanded to produce a required number of boys. The heads of the community were concerned with this decree, because they, too, had young boys of draft age. They decided to do what was unfortunately common in those days: they sought out the children of the poor to replace their own sons. (The reader might be shocked that an observant Jew could stoop so low, but when personally faced with the decision of "my" son or the "other fellow's son," I am not certain that some of us would act differently.) Obviously, this "exchange" had to be covertly arranged, since, if word got out, there would be a riot in town. As it would happen, a poor widow, accompanied by her orphaned young son, visited the town for the express purpose of begging from door to door for alms to sustain them. She played a harmonica and people threw coins into a cup held by her son.

When the leaders of the community heard about the town's visitors, they immediately sprang into action by grabbing the young boy, changing his name and using him to replace one of their own. The community was well aware of this terrible deed, but no one said a word. It was done - and accepted. The widow, however, was far from accepting. She went from door to door to the community's leaders screaming, pleading, but no one heard her pleas. They were all involved with themselves, unable to hear the cries of others.

It happened to be that Horav Yisrael Salanter, zl, visited his home town that week. When the widow heard that such a distinguished guest was in town, the gadol hador, preeminent Torah sage of the generation, she immediately proceeded to his home to plead with him to intercede on her behalf. Rav Yisrael listened, calmed her down and asked her to return after Shabbos. That Shabbos, Rav Yisrael attended services in the main shul. Following davening, the chashuvei ha'ir, distinguished leaders of the community, came to his home for Kiddush, to bask in the presence of the founder of the Mussar, ethical refinement, Movement, one of the primary leaders of Torah Jewry.

As soon as Kiddush was recited, Rav Yisrael arose from his seat, looked at the assemblage, and raised his voice in rebuke: "Murderers! Kidnappers! How dare you do what you did!" He knew each leader and looked each one in the face, as he reiterated their egregious sin.

"You!" Rav Yisrael screamed, looking squarely in the face of one leader. "You are careful to tie a handkerchief around your neck on Shabbos, so that you will not carry; yet, you have no qualms about stealing a helpless child from the arms of his mother! Are you not aware of the prohibition against kidnapping?"

Rav Yisrael looked at the next fellow and said, "You are so careful and stringent with mitzvos. You picked the most beautiful esrog, but to give a Jewish child over to shmad, to be apostatized, means nothing to you?" He

railed on like this, speaking individually to each leader and pointing out his individual hypocrisy.

The leaders were shocked and knew not what to say. They hung their heads in shame. Never had they been excoriated so vehemently - and especially by the gadol hador. Rav Yisrael concluded his rebuke, jumped up and left his house. He said, "It is prohibited to be in the presence of reshaim, wicked people." He left the city on Shabbos! Word went out throughout the city that Rav Yisrael had stormed out of the community.

No one would dream of being insolent to Rav Yisrael. Thus, the leaders acknowledged that they must act immediately. The young orphan was redeemed and returned to his mother. One of the rabbanim in the community acquiesced to seek out Rav Yisrael and convince him to return - which he did. While this near tragic incident worked itself out, it required the input of Horav Yisrael Salanter to set the wheels in motion.

Regrettably, there still remains the double-standard whereby the high and mighty, pious and committed movers and shakers of various communities and organizations, continue to play the game of mi yichyeh: Who will live? Who will go to school, yeshivah, seminary? Are they playing any less with the lives of people? Is creating criteria for acceptance that applies only to certain families with specific pedigree and financial security, any different than what the "holy" leaders of Salant were doing? When an administrator, Rosh Yeshivah, Menahel, Menahel says, "No," do they think twice about the ramifications for the potential student and his/her family? True, there are only so many schools and just so much room, but the unequitable criteria, (to which, of course, no one will concede) should not be the determining factor.

***If the thief will be found in an underground passage, and he is struck and dies, there is no blood for him. If the sun shone upon him, he has blood, he shall pay; if he has nothing, he shall be sold for his theft. (22:1,2)***

It seems quite simple. A person breaks into a house at night, indicating by his covert approach that he does not want to be discovered. Thus, his life has no value, because he would murder in order to protect his identity. On the other hand, the thief that steals by light of day presents less of a danger to the owner of the house. Therefore, when he is caught, he pays. If he is unable to pay, he is sold into slavery. The halachah that an indigent thief is sold into slavery is not exclusive to ba b'machteres, one who breaks into a house. It applies to any thief who cannot pay. It is, thus, surprising that the Torah chose to write v'nimcar, b'gneivaso, he shall be sold for this theft: his theft, specifically here, rather than earlier by the "standard" case of theft.

Horav Yosef Zundel Salant, zl, quotes Chazal (Sanhedrin 72b) who interpret the case of ba b'machteres as speaking about a father who is in such need of money that he is prepared to steal from his own son. Sadly, some people are lenient when it is about their son's money. They have reasons to justify what (I feel) is the nadir of miscreancy, convincing themselves that they may take advantage of their children, since they did "so much" for them earlier in life. Veritably, such fathers only take advantage. They were hardly there for them when their input was crucial. They appear only when it is to their advantage.

The question now arises: A father steals from his son, since he feels, "Why not?" - He owes me!" The father is caught and, lo and behold, has no money to pay for his sin. He should now be sold as a slave. This is a shameful punishment for a son to bring upon his father - and, this is exactly how some "sons" and some people (who have nothing to do but find fault) might view the rightful punishment which the father earned for himself. No son wants to be the cause of his father's shame. The Torah, therefore, chose to write the law of v'nimkar b'gneivaso specifically at this point, in order to convey a message. The son is not bringing about his father's shame. The father who sought to take advantage of his son's filial love is the one who is shaming himself.

One last word: There is a phenomenon of toxic parents who can be intentionally malevolent, but, more often, they are just self-centered and do not understand that their children have their own conflicting desires and emotional needs. A psychologist divides it into categories, which, for the

most part, do not have to grow into conflict, if both parties are aware that a problem exists and maintain a willingness to address the issues. Some parents think that they require their children's assistance in caring for them; their feelings always take precedence over the feelings of their children. They are acutely aware of personal problems, which plague them, and they expect their children to remain mum and conceal these problems. They are controlling, using guilt or money to control a child's life. They refuse to allow their child to grow up and become an independent adult. They refuse to recognize self-imposed parameters created by their children, (ie., their children want their own "space".) They constantly undermine their children. Last is the passive-aggressive parent who controls his child through his moods. Many of us have seen this in action in some of the finest homes. It affects both young and adult children, stunting their lives and marriages. We should take a lesson from the Torah, which teaches us that no parent may manipulate the lives of his/her children. They are our responsibility, not our convenience.

***You shall not persecute any widow or orphan. If you will persecute him...for if he will cry out to Me, I shall surely hear his cry. (22:21,22)***

Hashem issues a guarantee: If the widow or orphan cry out to Him, He will listen to their cries. Understandably, the widow and orphan are among the loneliest people in our society. Does this mean that they should be guaranteed access to Hashem over everyone else? Horav Tzvi Partzovitz, Shlita, quotes Chazal (Rosh Hashanah 18a) who say the following: Two men went up to the scaffold, each about to be executed; or two men went to the executioner to have his head severed from the rest of his body. One succeeds in leaving, while the other falls victim to the executioner's skill. Why? What is it that catalyzes one to leave, while the other one dies? Chazal teach that one prayed b'shleimus; thus, he was spared, while the other one did not pray a tefillah shleimah, whole, perfect/complete prayer, thus, he was not spared. This implies that, if he would have prayed a tefillah shleimah, Hashem would have surely listened to his prayer. Furthermore, the only reason that Hashem did not respond favorably to this prayer was that his tefillah was not perfect. What is the meaning of this, and what constitutes a tefillah sheleimah?

We must say that when one walks up the steps to the scaffold, he knows this is it. Unless Hashem answers his heartfelt prayer, he is soon to become history. There is no going back - alive - from the scaffold or the executioner's block. It is at this point that the supplicant knows that only prayer, if accepted by Hashem, can save him. All options are over. This is it. When one prays with the realization that his only option for salvation is Hashem, it constitutes a tefillah shleimah. The widow and orphan are acutely aware that they have no one other than Hashem. Thus, their prayer to Him is sheleimah, complete. They have no false beliefs that someone will come to their aid. They are all alone in the world. Therefore, when they pray to Hashem, He listens. David Hamelech expresses this idea in Tehillim 142:5, "Looking to the right and see that I have no friend; every escape is lost to me; no one seeks to save my life." Why did David HaMelech underscore the fact that he has no friend, no savior; he is literally up against a wall with nowhere to go and no one to whom he can turn? Would having another option preclude or diminish his obligation to pray to Hashem? Apparently, if he would have had "other" options, it would have diminished his prayer. It would not be shleimah. As long as options exist, they remain in the back of our minds, impeding us from complete prayer. It is only when one's entire tikvah, hope, depends upon Hashem that prayer has its true efficacy.

***And under His feet was like a brick work of sapphire, and an appearance of the Heavens in their brilliance. (24:10)***

The Torah relates that Klal Yisrael accepted the Torah amid a resounding declaration of Naaseh v'Nishma, "We will do and we will listen." Following this, Moshe Rabbeinu, Aharon HaKohen, his sons and the seventy Elders were privy to an unparalleled revelation of Hashem. This was a prophetic vision in which they visualized Hashem sitting on His Holy Throne (Ibn Ezra explains that they saw Hashem's "back"). Under His feet was like a

brick work of sapphire and an appearance of the Heavens in their brilliance. Rashi says that the brick work was in Hashem's Presence during the Jews' enslavement, so that their suffering (which was symbolized by the brick work, since they were making bricks for building) would be recalled before Him. The bricks symbolized their affliction, while the vision of the Heavenly light reflected the joy of their redemption. All of this is inspiring, but why did Hashem choose brick work of sapphire? Why not bricks of straw and mud, similar to the bricks the people enslaved in Egypt were making?

Horav Yisrael Belsky, zl, explains that there is a symbiotic relationship between shibud Mitzrayim, the Egyptian bondage, and Matan Torah, the Giving of the Torah. Essentially, Klal Yisrael was forged in the kur ha'barzel, iron crucible, of Egypt. Their national character of rachamanim, baishanim, gomlei chassadim, merciful, unassuming and doers of kindness, became refined in Egypt. They learned to feel the pain of others. They were unassuming in taking necessary steps to proffer acts of kindness and relief to their brothers. The tender, refined Jewish neshamah, soul, is the result of shibud Mitzrayim. They were now ready to accept the Torah.

This is why, explains the Rosh Yeshivah, the brickwork in Heaven was made of sapphire stone. In Hashem's eyes, every brick of straw and mortar was actually a sapphire, because these bricks transformed the Jewish people from selfish slaves to caring, giving, empathetic, dignified Jews whose acts of kindness to one another were carried out with love in the most unassuming manner. Hashem made a shining jewel out of their work, something of such great value that He wanted to see it all of the time. What Klal Yisrael thought was affliction was actually a stepping stone enabling them to receive the Torah.

There is a powerful lesson to be derived from here. We must learn to value even the worst experiences. The ability to transform adversity into opportunity, misery into joy, is real and achievable. Every incident has a purpose; every experience hones the mind. Even the most difficult circumstances can have a joyous conclusion. It is entirely up to the individual. A small-minded person sees the small picture which is presently in front of him. One who is greater and thinks deeper sees the larger picture and maintains a vision not only of the present, but also of the past and future. Whatever hardship one experiences, does not "just happen." The greatness of a person is manifest when he takes the bricks of straw and mortar and transforms them into bricks of sapphire that illuminate his life and the lives of others.

*In loving memory of - HILLEL BEN CHAIM AHARON JACOBSON - by his family: David, Susan, Danial, Breindy, Ephraim, Adeena, Aryeh and Michelle Jacobson and his great grandchildren \*

<http://www.jpost.com/Opinion/Columnists/>

Rabbi Shmuel Rabinowitz

Rabbi Shmuel Rabinowitz is rabbi of the Western Wall and Holy Sites

***The Jerusalem Post Parashat Mishpatim: Justice and compassion – can they go together? Rabbi Shmuel Rabinowitz, February 23 2017 | Shevat, 27, 5777***

In this week's Torah portion, we are still feeling the impact of that transcendent and magnificent event at Mount Sinai when the nation leaving Egypt merited a Divine revelation and received the ten basic commandments that carry the significance of the term "Jewish." The portion of Mishpatim deals with many laws that pertain to slavery, damages and loans.

Our portion opens with the laws of the Hebrew slave – a person who got into a dire financial state and had to sell himself into slavery. This is a horrifying situation that most of us are unfamiliar with, but it existed in the past in all cultures. Even today, it might exist in other variations like enslavement to incessant work, etc. Surprisingly, the first law with which the Torah begins those of the Hebrew slave is not a list of the slave's obligations to his owner, but rather the opposite:

"Should you buy a Hebrew slave, he shall work [for] six years and in the seventh [year], he shall go out to freedom without charge" (Exodus 21:2).

Someone who buys a Hebrew slave cannot enslave him for more than six years. On the seventh year, the master must give him the greatest gift of all: eternal freedom.

But we want to understand: Why does the Torah begin the list of “monetary laws” with the laws of slaves? Are these the most commonly used? And furthermore, why is this law, of freeing the slave after six years, at the start of the laws relating to the Hebrew slave? The answer to these questions rests in the Torah’s stand regarding monetary laws and interpersonal laws.

The human attitude toward laws, particularly monetary laws, is one of total obligation, inescapable justice: the indebted must pay his debt; the person who does damage must pay compensation. There is no place here for compromise or concession. This is the nature of the law. It is definitive, just and essential. Moreover, compromise and concession to one person can harm the rights of another. Therefore, the natural sense of compassion toward the poor person who unwittingly got into trouble must not be a part of the justice and legal system. We must uphold the laws and ignore the inner voice crying and demanding to take pity on the poor.

On the other hand, this outlook ignores our inner moral voice, which cries out at the sight of injustice. The phenomenon in which a rich person takes advantage of a poor person’s distress and lends him money at a usurious rate of interest, and then demands of the poor person to sell the little he owns to be able to pay his debt – though it might be correct legally, it justifiably makes us feel uncomfortable morally.

So what’s right? How should we act?

To solve this dilemma, the Torah sets up laws of justice that do not ignore compassion. The laws of the Torah do not allow for harming proprietary rights, but we are also required to uphold the law with a sense of compassion and understanding of the distress of the poor.

The Torah begins the chapter on monetary laws with those relating to slavery and freeing a Hebrew slave after six years in order to teach us that even when our rights are absolute, even if we honestly earned our property, we mustn’t ignore compassion and pity for the distress of someone suffering. A person forced to sell himself into slavery does not do this because he has a choice. He is helpless and we must pay attention to his misery and allow him to live freely and return to his family after six years of slavery.

This concept of justice intertwined with compassion allows for the coexistence of rights and laws with pity and sensitivity, which are among the Jewish nation’s most outstanding traits. A legal system based on these two principles leads to perfect, Divine justice. *The writer is the rabbi of the Western Wall and Holy Sites. Copyright © 2016 Jpost Inc.*

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subject: [Rav Kook Torah]

***ravkooktorah.org Rav Kook Torah Mishpatim: Trust in God vs. Self-Reliance***

The Talmud (Berachot 10b) tells a puzzling story about the righteous king Hezekiah. It is related that the king secreted away the medical books of his day. Why? King Hezekiah felt that the people relied too heavily on the prescriptions described in those texts, and did not pray to God to heal them. Surprisingly, the Sages approved of King Hezekiah’s action. Such an approach would appear to contradict another Talmudic ruling. The Torah says one who injures his neighbor must “provide for his complete healing” (Ex. 21:19). The Talmud (Baba Kama 85a) deduces from here that the Torah granted doctors permission to heal. Even with natural diseases, we do not say, “Since God made him ill, it is up to God to heal him,” but do our best to heal him. Which is the correct attitude? Should we rely on doctors and medical books, or place our trust only in God and prayer? There is in fact a larger question at stake. When are we expected to do our utmost to remedy the situation ourselves, and when should we rely on God’s help? Two Forms of Bitachon Rav Kook explained that there are two forms of bitachon, reliance on God. There is the normative level of trust, that God will assist us

in our efforts to help ourselves. And there is the simple trust in God that He will perform a miracle, when appropriate. Regarding the community as a whole, we find apparent contradictions in the Torah’s expectations. Sometimes we are expected to make every possible effort to succeed, as in the battle of HaAi (Joshua 8). On other occasions, human effort was considered a demonstration of lack of faith, as when God instructed Gideon not to send too many soldiers to fight, “Lest Israel should proudly say ‘My own hand saved me’” (Judges 7:2). Why did God limit Gideon’s military efforts, but not Joshua’s in the capture of HaAi? The answer is that the spiritual level of the people determines what level of bitachon is appropriate. When we are able to recognize God’s hand in the natural course of events, when we are aware that God is the source of our strength and skill — “Remember the Lord your God, for it is He Who gives you strength to succeed” (Deut. 8:18) — then God is more clearly revealed when He supplies our needs within the framework of the natural world. In this situation, we are expected to utilize all of our energy and knowledge and talents, and recognize divine assistance in our efforts. This reflects the spiritual level of the people in the time of Joshua. On the other hand, there are times when the people are incapable of seeing God’s help in natural events, and they attribute any success solely to their own efforts and skills. They are likely to claim, “My own hand saved me.” In this case, only miraculous intervention will enable the people to recognize God’s hand — especially when the Jewish nation was young, miracles were needed to bring them to this awareness. Educating the People Consider the methods by which parents provide for their children. When a child is young, the parent feeds the child directly. If the child is very small, the parent will even put the food right in his mouth. As the child grows older, he learns to become more independent and take care of his own needs. Parental care at this stage is more indirect, by supplying him with the wherewithal — the knowledge, skills, and training — to provide for himself. The grown child does not wish to be forever dependent on his parent. He wants to succeed by merit of his own talents and efforts, based on the training and tools that his parents provided him. So too, when the Jewish people was in its infancy, miracles served to instill a fundamental recognition and trust in God. In the time of Gideon, the people’s faith had lapsed, and needed strengthening. Similarly, in the time of King Hezekiah, the king realized that the corrupt reign of Ahaz had caused the people to forget God and His Torah. He calculated that the spiritual gain through prayer outweighed the scientific loss due to hiding the medical texts. But when faith and trust in God are strong, it is preferable that we utilize our own energies and talents, and recognize God’s hand within the natural universe. The enlightened viewpoint calls out, “Lift up your eyes on high and see: Who created these?” (Isaiah 40:26). So it was when Joshua conquered the city of HaAi. After forty years of constant miracles in the desert, the people were already thoroughly imbued with trust in God. It was appropriate that they use their own resources of cunning and courage to ambush the fighters and destroy the city. What about the future redemption of the Jewish people? It may occur with great miracles, like the redemption from Egypt; or it may begin with natural events, as implied by several statements of the Sages that the redemption will progress gradually. It all depends on the level of our faith in God. It is certainly integral to our national pride that we take an active role in rebuilding the House of Israel. (*Gold from the Land of Israel pp. 136-138. Adapted from Ein Eyah vol. 1, p. 57*) Copyright © 2006 by Chanan Morrison