

# O H R N E T

SHABBAT PARSHAT MISHPATIM · 24 SHVAT 5771 · JAN. 29, 2011 · VOL. 18 NO. 18

## PARSHA INSIGHTS

### RIGHTS AND OBLIGATIONS

*“When you lend money to My people...” (22:24)*

live in a city of kindness. In Yerushalyim, if your daughter suddenly becomes engaged and you don't have a bottle of whisky to make the customary *l'chaim* with family and friends, don't worry, look in the phone book and call the *gemach!* (A *gemach* is a free loan organization.)

You'll be able to borrow a bottle of Johnny Walker Black Label (could even be gold – I don't think they stretch to green or blue). Later on, just replace what you took. No charge.

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

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

*Gemach* is an acronym for *Gemilut Chessed* – the bestowing of *chesed*.

There is no word for charity in Hebrew. Look up the word for charity in the English/Hebrew dictionary and you'll find the word *tzedaka*.

*Tzedaka* doesn't mean charity. It means 'righteousness'.

There's no such thing as a "Robin Goodfellow" in Jewish thought. We believe a person who gives charity doesn't deserve a slap on the back – someone who *doesn't* give 'charity' deserves a slap on the wrist.

If you look in the Written Torah there's not a single mention of the word 'rights'. On the other hand the Written

Torah is full of obligations. Look at this week's Torah portion: Obligations of a master to a slave; the obligations of a child to its parents; of a pupil to his teacher and vice versa; of a community to the poor; of the individual to the community; obligations to the orphaned, to the sick, to the convert; the obligations of man to G-d. 'Rights', however, are something that the Written Torah never mentions. Why?

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

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

But with one big difference.

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

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

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

*“When you lend money to My people...”*

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

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

• Sources: *Rashi; Rabbi Uziel Milevsky, zatzal*

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## PARSHA OVERVIEW

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

Other topics include: Prohibitions against seduction; witchcraft, bestiality and sacrifices to idols. The Torah warns us to treat the convert, widow and orphan with dignity, and to avoid lying. Usury is forbidden and the rights over collateral are limited. Payment of obligations to the Temple should not be delayed, and the Jewish People must be holy,

even concerning food. The Torah teaches the proper conduct for judges in court proceedings. The commandments of Shabbat and the Sabbatical year are outlined. Three times a year — Pesach, Shavuot and Succot — we are to come to the Temple. The Torah concludes this listing of laws with a law of kashrut — not to mix milk and meat.

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

## ISRAEL Forever

### THE SECRET WEAPON

One of the most striking features about life in Israel is the proliferation of *chessed* care for the needy. This week's Torah portion contains among its many *mitzvot* regarding interpersonal relationships the command to lend money to a Jew in need of a loan.

(Some commentators even call this portion by the text of this command rather than the all-inclusive term *Mishpatim*.)

Not only are there many *gemachim* – free loan funds – distributing millions of dollars in interest-free loans, but also

there are scores of other projects offering every kind of service one can imagine. Open up the Religious Telephone Directory of Jerusalem and you will find about a hundred pages of listings of such imaginative services.

Our Sages tell us that when Jews care for one another and live in harmony, they are blessed with victory over their enemies. It is certainly our hope and prayer that the *chessed* of the Israeli public along with the *chessed* shown by Jews throughout the world will indeed secure Israel forever

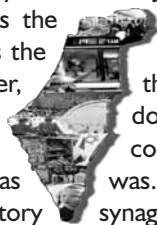
## LOVE OF THE LAND - THE PEOPLE

Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

### NISSAN BECK AND THE EMPEROR – THE DOME THAT BOWED

One of them most outstanding synagogues in the Old City of Jerusalem which was destroyed by the Jordanians in the War of Independence was the Tiferet Yisrael Synagogue. It was popularly known as the Nissan Beck Shul because of its founder, whose father, Yisrael Beck, established the first Hebrew printing press in Jerusalem.

The most outstanding feature of this synagogue was the beautiful dome atop it. There is a famous story connected with this dome that goes back to the visit in 1870 of Franz Joseph, Emperor of Austro-Hungary, to Jerusalem.



This ruler, respected for his benevolent policy towards his Jewish subjects, was given a royal welcome by those subjects who now lived in Jerusalem. They showed him the yet unfinished Nissan Beck Shul along other the buildings they had constructed. Familiar with the domes which topped the synagogues back in his own country, he asked his escorts where the dome of this one was. "Your Highness," they cleverly explained, "even the synagogue wished to pay tribute to you by removing its hat." The Emperor took the hint and contributed a generous sum for completing the dome.

## PARSHA Q&A ?

1. In what context is a *mezuzah* mentioned in this week's parsha?
2. What special mitzvah does the Torah give to the master of a Hebrew maidservant?
3. What is the penalty for wounding one's father or mother?
4. A intentionally hits B. As a result, B is close to death. Besides any monetary payments, what happens to A?
5. What is the penalty for someone who tries to murder a particular person, but accidentally kills another person instead? Give two opinions.
6. A slave goes free if his master knocks out one of the slave's teeth. What teeth do not qualify for this rule and why?
7. An ox gores another ox. What is the maximum the owner of the damaging ox must pay, provided his animal had gored no more than twice previously?
8. From where in this week's parsha can the importance of work be demonstrated?
9. What is meant by the words "If the sun shone on him"?
10. A person is given an object for safe-keeping. Later, he swears it was stolen. Witnesses come and say that in fact he is the one who stole it. How much must he pay?
11. A person borrows his employee's car. The car is struck by lightning. How much must he pay?
12. Why is lending money at interest called "biting"?
13. Non-kosher meat, "*treifa*," is preferentially fed to dogs. Why?
14. Which verse forbids listening to slander?
15. What constitutes a majority-ruling in a capital case?
16. How is Shavuot referred to in this week's parsha?
17. How many prohibitions are transgressed when cooking meat and milk together?
18. What was written in the *Sefer Habrit* which Moshe wrote prior to the giving of the Torah?
19. What was the *livnat hasapir* a reminder of?
20. Who was Efrat? Who was her husband? Who was her son?

## PARSHA Q&A!

### Answers to this Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 21:6 - If a Hebrew slave desires to remain enslaved, his owner brings him "to the doorpost *mezuzah*" to pierce his ear.
2. 21:8,9 - To marry her
3. 21:15 - Death by strangulation.
4. 21:19 - He is put in jail until B recovers or dies.
5. 21:23 - 1)The murderer deserves the death penalty. 2)The murderer is exempt from death but must compensate the heirs of his victim.
6. 21:26 - Baby teeth, which grow back.
7. 21:35 - The full value of his own animal.
8. 21:37 - From the "five-times" penalty for stealing an ox and slaughtering it. This fine is seen as punishment for preventing the owner from plowing with his ox.
9. 22:2 - If it's as clear as the sun that the thief has no intent to kill.
10. 22:8 - Double value of the object.
11. 22:14 - Nothing.
12. 22:24 - Interest is like a snake bite. Just as the poison is not noticed at first but soon overwhelms the person, so too interest is barely noticeable until it accumulates to an overwhelming sum.
13. 22:30 - As "reward" for their silence during the plague of the first-born.
14. 23:1 - Targum Onkelos translates "Don't bear a false report" as "Don't receive a false report".
15. 23:2 - A simple majority is needed for an acquittal. A majority of two is needed for a ruling of guilty.
16. 23:16 - *Chag Hakatzir* — Festival of Reaping.
17. 23:19 - One.
18. 24:4,7 - The Torah, starting from Bereishet until the giving of the Torah, and the *mitzvot* given at Mara.
19. 24:10 - That the Jews in Egypt were forced to toil by making bricks.
20. 24:14 - Miriam, wife of Calev, mother of Chur.

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- The Pesach sandwich of the Sage Hillel
- Sacrificial blood that got mixed with disqualified blood or blood of a different sacrifice
- Do we assume that two liquids mixed together become completely assimilated (“*yesh bilah*”)
- Mixup of sacrificial blood to be applied in the *heichal* with blood to be applied to altar
- When one part of the blood of a *chattat* sacrifice was mistakenly brought into *heichal*
- What the *tzitz* headplate of the *kohen gadol* atones for
- When something disqualified is mistakenly placed on the altar
- Which things are removed from the altar even if mistakenly placed there
- The compromise of Rabbi Yehuda in regard to the aforementioned
- The dignity which must accompany a mitzvah

## BLOODY CATCH 22

What happens when the bloods of different sacrifices become mixed together before they have been applied to the altar?

If both bloods come from sacrifices which require the same number of applications, there is no problem in applying the bloods and assuming that each blood reached its destination.

But if the blood of an *olah* sacrifice, which must be applied to four sides of the altar, becomes mixed with the blood of a *bechor* sacrifice, which requires only a single application, we are faced with a problem. The Torah has prohibited us from making any addition to (*bal tosif*) or subtraction from (*bal tigra*) any mitzvah. In this catch-22 case we must apply the mixed blood but seemingly cannot avoid transgressing

one of these two prohibitions!

Both Rabbi Eliezer and Rabbi Yehoshua posit that there is no transgression either way since the blood that is being applied too much or too little is not alone, but together with other blood that is being properly applied. They differ, however, as to how many applications should be made. While Rabbi Eliezer favors applying to four walls, Rabbi Yehoshua rules that the mixed bloods should be applied only to one wall. His explanation is that when only one application is made there is only a passive subtraction of the number of applications required for the *olah*, while if the blood is applied to four walls there is an active addition to the amount of applications for the *bechor* sacrifice and creates the impression of violating the prohibition of adding to a mitzvah.

• Zevachim 80a

## What the SAGES Say

“The taste of one mitzvah food does not nullify the taste of another mitzvah food consumed together with it.”

• The Sage Hillel - Zevachim 79a

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## YES, NO DIRECTION

**From: Name Withheld:**

*Dear Rabbi,*

*I am a film director. I work in advertising. After much pressure and considerable preparatory work on my part, I reluctantly agreed to direct a TV advert. I felt very uncomfortable about my decision at the time but agreed nonetheless — partly because I had already invested much time, and partly because I felt pressured.*

*Meanwhile, although I had said “yes”, no one was in a position to reciprocally confirm the job as mine, i.e. the actual client had not confirmed his “yes”. A weekend passed. I then said I was declining the job. I was accused of unethical conduct.*

*I reasoned that my doubts and discomfort about the project’s outcome would seriously impair my creative performance, and that it was in the client’s best interest that I withdraw. I substantiated this by pointing out that I was withdrawing despite the fact that such a withdrawal would constitute a serious embarrassment for me, the production company and the client’s ad agency. I also noted that I would be incurring loss for my preliminary work, and that, in any case, I hadn’t heard a formal agreement from them.*

*Was I right or wrong?*

Dear Name Withheld,

This is a tough one. And since it is a financial issue that involves others, it requires a Rabbi on location to hear both sides. I can just give you basic guidelines based on your side of the story. In my answer, I will assume that you were not yet legally committed by implied contract or industry standard.

The Talmud (Bava Metzia 49a) says: “Your ‘yes’ should be righteous”, meaning that a person should stand by his word.

The Shulchan Aruch (Choshen Mishpat 204:7) rules that one who breaks a verbal agreement in a business transaction – even if the deal has not been legally concluded – is considered unfaithful and “out of favor” with the Sages.

So, for example, let’s say you’re selling me your car, and we agree on the details of the sale. Then, as I begin writing out the check, you decide to renege on the deal. It would be unscrupulous for you to do so, even if legally you are technically allowed to do so.

However, your case appears to differ from a standard business transaction. You aren’t selling a car. Rather, you’re “selling” your talent and creativity. According to your description, you agreed to take on the project thinking you would be able to put your creative talents to it, but later you realized that you don’t have it in you. This is more like agreeing to sell someone a car that you later realize you don’t own. In such a case, backing out isn’t as much a lack of faith as a mistake made in the beginning. And, of course, in your case there wasn’t a final confirmation from the client yet.

So, if you think you can do a good job without harming the client’s interest, you should reconsider in order to uphold your word. This is so even though you hadn’t as yet received a formal agreement from their side, because the intention was to reach an agreement, and, apparently, the other side is still interested. But if you can’t cut the job, you can’t. In which case, you’ll certainly apologize to the appropriate parties and express a commitment to exercise more caution in future agreements.

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## HOLD THAT BUS!?

**Question:** I am the last one in line at my bus stop and as I am about to board I see someone half a block away frantically running to catch this bus that runs only every quarter hour. Is it my responsibility to try to get the driver to hold the bus so that this party can reach it in time to get on?

**Answer:** You seem to be focusing your entire consideration on the need to save a late-arriving passenger a quarter-hour wait for the next bus. There are, however, a couple of other factors to consider.

What about the extra minute or so that all those passengers who waited so long at the bus stop will have to wait because of this late arrival? Must they pay this price of precious time to accommodate him?

And what about the bus driver who has a schedule to

keep which will be rendered almost impossible if he has to hold up the bus at each stop for late-comers?

What we have before us is a classic example of a noble desire to show kindness to someone without making a proper calculation as to whether it is not being done at the expense of others. Life is filled with similar moral dilemmas.

In this particular case, perhaps the ethical procedure would be to point out to the driver that someone is running to catch the bus. If the driver agrees to wait, then you could turn to the passengers on the bus and appeal to their patience as well. If either the driver or the passengers voice an objection, which they are entitled to do, don't press your case and don't even in your heart condemn the objectors as being inconsiderate.

## THE HUMAN SIDE OF THE STORY \_\_\_\_\_

### IN G-D WE TRUST

**W**hen the Israeli Knesset was on the verge of passing an economic bill that would severely cut government support for religious education, a demonstration against this unpopular measure was held in Jerusalem.

One of the demonstrators did something very original. He pulled out a 200 Shekel bill bearing the likeness of a former president of Israel, the late Zalman Shazar, and read aloud the following words from one of his writings which

appear in tiny print on this bill:

"The nation of Israel always, even in its darkest hours, made sure to preserve this precious asset, that of Torah study for all its children. Every town that did not have a teacher did not have the status of a town."

At the conclusion of the quote he turned to some journalists and asked: "Does the Finance Minister know what's printed on the bills that his office prints?"

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