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**The Lower East Side
Parshat HaShavua sheet**

*A collection of Divrei Torah
from around the Internet*

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Parshat Mishpatim

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POSITION IMPOSITIONS

By Rabbi Mordechai Kamenetzky

How would you feel? That is a question asked by a wide-ranging group of inquisitors ranging from kindergarten teachers chiding their immature charges, to philosophy professors lecturing to disciples about the worlds of the theoretical. Its validity sets the tone from issues that vary from the golden rule to admonitions at the supper table. And at first glance it seems that the Torah uses the maxim to mitigate a deficiency in our very own human nature.

“Do not taunt or oppress a ger (newcomer) because you were strangers in the land of Egypt” (Exodus 22:20). According to most commentators, the verse refers to the ger — a convert to Judaism. Others comment however, that it also applies to any newcomer, be it to a neighborhood, a synagogue, or a school. Rashi explains that the Torah forewarns the Jewish nation from being cocky toward anyone who would join our people. “After all,” Rashi expounds, “the stranger can easily remind us of our since-forgotten experience in Egypt, where we, too, were strangers.”

However, something bothers me. The Torah’s set of values is pure and unmitigated by personal partiality. So let us ask. Does it truly matter that we were once strangers? Is not it inherently wrong to taunt a newcomer? Shouldn’t the Torah just say, “Do not taunt a newcomer? It is morally wrong!” Why is there even a mention of our Egyptian experience? Had we gone directly from Jacob’s home to a settled life in the land of Israel, would we then be allowed to taunt newcomers? Of course not! Our years of servitude should not influence the morality of taunting others! So why does the Torah consider our bad experience a factor?

Dr. Norman Blumenthal has published extensively about the unique experience of Holocaust survivors’ children. Without revealing actual details, he related a case history of a young man whose father had escaped from a Nazi concentration camp at the age of 16 years old. The fugitive did not hide in the forest or in a barn, rather he joined a group of gentile partisans. For the duration of the war, he lived with them, ate with them, and killed Nazis with them. Still, the courageous young man never gave up his convictions and feelings of Judaism. On that day his father, by then a very successful executive who was very active in the American Jewish community, turned to him and said, “Son, now the easy life is over. Just like me, now you must learn what it takes to survive amongst the gentiles!” He sent the young teen to a university in the southern part of the United States where Jews were as rare as snow. Within months, the young man, mercilessly taunted in a foreign environment, suffered a nervous breakdown. It took years of therapy to undo the shambles.

Perhaps we can understand the posuk in a new homiletic light. The sages declare that our experience in Egypt was very necessary, albeit uncomfortable, one to say the least. Under the duress of affliction we fortified our faith. Under the pressure of ridicule we cemented our resolve. Under the strain of duress we built families and sustained our identity. And perhaps it was that experience that laid the ability to endure far-reaching suffering, tests of faith that were only surpassed by the tests of time.

And now enter the convert John Doe who hails from a corporate office in West Virginia and has made a conscious, comfortable decision to join the ranks of Moses’ men. Our first reaction may just be to have him bear the test of the Jew. Like boot camp in Fort Bragg, or beasting at West Point, we may have the urge even a compulsion to put Mr. Doe through the rigors of our oppression. After all, that is the stuff of which we are made. We may want to taunt and tease because “we were slaves in a foreign land.” The Torah tells us not to do so. “Do not taunt or oppress a ger (newcomer) because you were strangers in a he land of Egypt.” Do not impose your difficult experiences in life on others that are newcomers to your present situation. It is easy to say, “such men are made from sterner stuff” and proceed to harangue those who would join us. That should not be.

Life has a personal trainer for every individual, and each soul has a particular program mapped out by the Almighty. Jews from birth may have had to suffer in Egypt, while converts have other issues to deal with. One’s particular experience may not be fodder for the next person. Do not use your encounters as the standard for the entire world. One cannot view the world from the rear view mirror of his personal experience.

Turning the Theory into Practice

By Rabbi Yissocher Frand

Our Parsha begins “And these are the statutes that you shall place before them.” There is a very famous Rashi on the words “And these”. Normally “these” would mean “to the exclusion of others”. But Rashi says that the conjunction “and” adds to what came before (vov mosif), in Parshas Yisro.

In Parshas Yisro, G-d gave us the Ten Commandments. Rashi here says that just as the Ten Commandments were given at Sinai, so too the laws that are recorded in Parshas Mishpatim were also given at Sinai.

The truth of the matter is that this Rashi requires understanding. There is another famous Rashi [Vayikra 25:1] on the words “On Mount Sinai” (mentioned in connection with Shmita) which asks, “What is the connection between Shmitah and Mount Sinai?” Rashi there answers that just like the laws of Shmita were given with all their rules and intricate details at Sinai, so too all other commands were given with their rules and intricate details at Sinai.

If that is the case, what is Rashi adding here, by telling us that the laws of Parshas Mishpatim were given at Sinai? We know that — the whole Torah was given at Sinai!

The Ramba”n says a very interesting thing. According to the Ramba”n, Parshas Mishpatim and the Parsha of the Ten Commandments were said together at the initial meeting of G-d with Moshe on Sinai (prior to the 40 day period when Moshe learned the rest of the Torah). Subsequent to that, Moshe Rabbeinu came down, taught the Jewish people what he had learned from G-d and then went back up to Mount Sinai to learn more.

What emerges from this Ramba”n is that the laws of one ox goring another ox, of digging a hole in the public domain, or paying workers on time, all the mundane intricacies of life have the same status and were given at the same time as the Ten Commandments. Therefore, Rashi is stating something significant.

But, is it not peculiar that almost in the same breath as G-d spoke “I am the L-rd your G-d who took you out from Egypt...”, the foundation of Judaism, He also told us about our responsibilities when we borrow our neighbor’s car?

Why does Parshas Mishpatim rate the same session as “I am the L-rd your G-d”?

Rav Moshe Feinstein, zt”l, said that this comes to teach us that if a person does not keep Parshas Mishpatim (monetary laws), he doesn’t believe in “I am the L-rd your G-d” either. “I am the L-rd your G-d” is the theory — I believe. But the other side of the coin, the practice, is do you cheat in your business? If you cheat in your business, you do not believe in “I am the L-rd your G-d”.

Rav Moshe continues, if a person believes in G-d with more than lip service, then the person believes that G-d provides him with a livelihood. If a person believes that G-d provides the livelihood, then what reason is there to cheat? “A person’s livelihood is fixed for him from Rosh HaShannah” [Beitzah 16a]. If one believes that, there is no need to cheat. Anyone who cheats, does not believe it. That is why “I am the L-rd your G-d” is in the same session as the law of how to pay one’s workers.

There was recently a meeting in New York of the Association of Jewish Certified Public Accountants; an organization appropriately called Cheshbon. Rav Schwab told this group that a person who is dishonest in business is a Kofer b’Ikhar (He denies G-d). For the same reason that we just mentioned — that if a person really believed, he would not need to cheat. One cheats because he thinks — “this will get me the parnassah”. Cheating indicates that he does not believe that G-d will take care of him.

Then Rav Schwab continued by saying the following. “You will ask that we see people who cheat a tremendous amount and are nonetheless, successful. Now if parnassah comes from G-d, how can that be?”

Rav Schwab explained that such people’s money comes from the ‘Sitra Achra’, from the forces of impurity in the world, not from G-d. No good will ever come out of the money that comes from the powers of impurity (Kochos HaTumah) in the world. He or his children or someone down the line will never see satisfaction (nachas) from that money.

The ‘test’ of earning a livelihood is not only a test of telling the truth, of not stealing, etc. It is a test of ‘I am the L-rd your G-d’. Daily, we are put to the ‘test’ of whether or not we really believe. If we really, really believe, then there is never a reason to be less than 100% honest in our dealings with other people and with ourselves.

The Torah is a Book of Reality

By Rabbi Berel Wein

The Torah reading of this week deals with the difficulties and pettiness of human life. I find this to be extraordinary since only last week the Torah dealt with the exalted principles and values system of holiness as represented by the Ten Commandments.

It seems to be a letdown to have to speak about oxen goring and people fighting, enslaving and damaging one another when we were apparently just elevated to the status of being a kingdom of priests and a holy nation.

The beginning point of the education of many a Jewish child in Mishna and in Talmud is located in the very prosaic laws of torts and damages discussed in this week's Torah reading. In effect the law book part of the Torah begins by showing us people at their worst behavior and weakest moments. Would it not be more inspiring if the Torah somehow began this detailed part of Jewish law with more inspiration and spirituality?

Yet we are all aware that the most studied volumes of the Talmud – the real meat and potatoes – are those tractates that deal with many of the laws presented in this week's Torah reading. The rabbis in fact advised us to study these laws of torts and of human failures, translated into negative actions and behavior, in order to sharpen our brains and somehow make us wiser.

And most of the study effort concerns itself with how to deal with the damage and hurt that has already been done and very little time and effort, so to speak, with the moral strength necessary to prevent these very damaging events from occurring.

The Torah is a book of reality. It does not gloss over situations nor is it in the least bit hagiographic in dealing with the main characters that appear in its narrative. The perfect Torah speaks to a very imperfect world. The Torah does not allow us to have illusions about how people will behave when money, emotions, negligence and spite are present in society and in the lives of people.

Slavery is wrong, perhaps the greatest wrong, but it has been a fact of life in human history till and including our time. Slavery breeds inequity and as we have witnessed time and again ending slavery does not in any way end bigotry.

The Torah comes to address the how and why of overcoming this inequity and of making slavery subject to such rigorous legal restraints as to prompt the Talmud to say that he who acquires a slave for himself in reality is acquiring a master for himself.

People will be people, damages and hurts will occur and the temptation of wealth and money will not disappear from the face of this earth. Therefore we have to have a set of rules and an ability to deal with these problems so that they do not completely consume us. The Torah, of necessity, must propose a program of compensation to help the victims and restrain the perpetrators. It is this recognition of human behavior that sets the Torah apart from all other so-called spiritual and religious texts. These assume the best of behavior and values. The Torah makes no such assumption. It is the book of reality and the most holy of all works.

Harmony Between the Physical and the Spiritual

by Rabbi Ron Jawary

One of the recurring themes of the Torah is the importance of eliminating any dissonance between a person's spiritual world and his physical world.

This week's Parsha, Mishpatim, is the basis of our entire legal code. Mixed in with this code are several ritual laws culminating with the words "You will be a holy people to Me" ([Ex 22:30](#)). One of the ideas behind this is that we relate to the Divine, not just through our spiritual life, but through our physical life as well. To be a person who keeps kosher and keeps Shabbat, but cheats -- whether in business or in life -- is to miss the whole point of what the Torah and life is about.

Instead of helping make us a "holy people", such a person is only destroying himself and everything we stand for.

It's interesting that this section comes in the book of Exodus, which teaches us what real freedom is: the ability to live in harmony with the Divine, with the world, and with yourself. In order to do so, we must strive to treat both the ritual and legal laws as equally important and to realize that they are essentially one and the same: an opportunity to strive for real holiness, to be in control of your life, to be one with the Divine.

“And these are the ordinances that you shall set before them” (21:1)

Rabbeinu Bachya explains that the Torah requires all laws to be set “before them,” meaning that disputes between two Jews should be adjudicated in a Jewish court and not a gentile court. Going to secular courts leads to two terrible sins: the desecration of Hashem’s name and theft. When Jews ignore their own rabbis and courts and instead rely on gentiles to help them, it gives a bad name to the Torah and to Hashem. Going to secular court also leads to theft because the decisions that they render are often not in accordance with Torah law and the money earned from these rulings is not kosher money. Why does the first set of mitzvos taught after the Ten Commandments govern interpersonal relationships rather than a person’s obligations toward Hashem? Perhaps Hashem put His honor second because of His humility and placed a little extra focus first on our obligations to other people. However, the truth is that every interpersonal sin also has an element of sinning against Hashem because He is the one who commanded us not to wrong other people.

“And he who curses his father or mother shall surely be put to death” (21:17)

One who hits a parent receives a lighter form of capital punishment than one who curses a parent with Hashem’s name. Why is this so? Ramban explains that cursing a parent is transgressed more frequently because foolish people spout vile words whenever they become angry. A sin that happens constantly needs a stronger punishment to provide a greater deterrent. A similar idea is expressed by Chazal when they equate loшон hara (slander) to the three cardinal sins. How could this be? The explanation is that people constantly slip up with negative speech, so the quantity exceeds the quality of the serious sins even if those are uncommon. The fact that a court can put a person to death for words that he says is a startling lesson about the Torah’s view regarding the power of speech. This is one of a number of prohibitions governing speech in the parsha and, as we study them, we should try to strengthen our observance of the laws of proper speech.

“You shall not cause pain to any widow or orphan” (22:21)

What is added by saying that one may not cause pain to “all” widows? Ramban says that this includes even a wealthy widow. Despite her social status and comfortable lifestyle, her tears come easily and she feels a lack of self-confidence and self-esteem after her husband is gone. One must be careful to treat her kindly. The way the Torah describes the anger of Hashem when He comes to the defense of widows and orphans who are mistreated should serve as a warning to us. Starting up with a widow or orphan is very dangerous and we have to have extra sensitivity in dealing with them. There is a story told about R’ Yisrael Salanter that illustrates the care that one must take to treat widows kindly. In those days, the employees in matzah bakeries were typically widows who needed to earn money. R’ Yisrael Salanter had a number of stringencies that he was careful to observe during the matzah baking process, but he instructed his students not to enforce these additional concerns if it meant that they would be tough on the widowed employees. He told them that the while the matzah would be free of chametz even without the stringencies, causing pain to a widow is a serious transgression.

“And you shall be holy people to Me, and flesh torn in the field you shall not eat; you shall throw it to the dog” (22:30)

Rashi writes: “This teaches you that Hashem does not withhold the reward due to any creature. The Torah says [when the Jews left Egypt] that ‘to all the Bnei Yisrael, no dog wagged its tongue,’ so Hashem said: Give it the reward due to it.” That is why the Torah commands us to share any meat rendered non-kosher because it was torn apart and mortally wounded with the dogs. If the dogs received a reward for not barking, then certainly people who do not bark at others will get a reward. It is important to always speak softly and kindly to others, no matter how upset or angry we may be.

By Rabbi Mayer Friedman

Complete Kindness

by Rabbi Yehonasan Gefen

In the Portion of [Mishpatim](#) the Torah instructs us with regard to lending money to our fellow in need. The Torah states: "When you lend money to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him. If you take your fellow's garment as security until sunset, you shall return it to him. For it alone is his clothing, it is his garment for his skin - in what should he lie down? - so it will be if he cries out to Me, I shall listen, for I am compassionate." On superficial analysis these Mitzvot seem to be fairly straightforward and easy to understand, however Rav Chaim Shmuelevitz derives a very important insight about the Torah's attitude to *chesed* (kindness) from these verses: This passage is dealing with a person who fulfills the great kindness of helping his friend by lending him money, and yet the Torah gives him a number of Mitzvot to ensure that he perform this *chesed* in the most optimum way and not diminish its effect. It is instructive to analyze these verses more carefully to note their common theme: "Do not act toward him as a creditor."

Rashi, based on the Mechilta, explains that this means that if the lender knows that the borrower is, at present, unable to pay back the loan, then the lender should not make him feel pressured about it, rather he should behave as if the loan never took place, so as not to embarrass the borrower. "Do not lay interest upon him." This refers to the prohibition of lending money with interest (*ribbis*). Rav Shmuelevitz cites a number of Rabbinic sources that emphasize the seriousness of lending with interest; for example he brings a Medrash that for every sin there are *Malachim* (angels) in Heaven who try to find a merit for the sinner, the one exception to this case being that of *ribbis*. Rav Shmuelevitz points out that the severity for lending with interest is difficult to understand. It is clear that even one who lends with a small amount of interest, is doing a great *chesed* to the borrower who is in urgent need of money immediately and is prepared to pay the extra interest at a later date. Nonetheless the Torah treats this person very strictly.

"If you take your fellow's garment as security until sunset, you shall return it to him." When the borrower is unable to pay back the loan the lender is permitted to take his personal items as collateral to ensure payment of the loan. However, he must return the items when they are needed by the borrower. For example, clothing is needed in the daytime, therefore the lender may only keep it in the night and must return it in the day so that the borrower can use it. This law seems to nullify the whole function of collateral, for if the borrower can still use it when he needs it, he will be far less motivated to pay back the loan. Nonetheless, the Torah demands that the lender respect the borrower's basic needs.

Rav Shmuelevitz explains that the common denominator of these laws is that they stress the importance of doing *chesed* in as complete a manner as possible, without lessening the effect of the *chesed*. Consequently, even though it is a great mitzvah to lend someone money, the lender must be extremely careful not to diminish the effect of his kindness through pressuring the borrower in any fashion. Rav Shmuelevitz says further that the greater a person's appreciation of the importance of *chesed*, the more strictly he is treated when he fails to act according to his recognition. Thus, one who lends and yet charges interest is treated particularly harshly because he appreciates the value of helping the borrower, and nonetheless he chooses to charge him with interest.

We learn from the mitzvot relating to lending money that when a person is doing a *chesed* for his fellow it is essential that he strive to maximize the positive effect of his *chesed* and not let it be tainted in any way. This applies in many instances in our daily lives; very often a person is approached to do some kind of favor; he may agree to do it, but with a reluctance that makes the person in need feel uncomfortable about inconveniencing him. Rather, the giver should strive to be as positive as possible about helping his friend. This greatly enhances the actual positive benefit at results, because, as well as being helped, the person in need is not made to feel guilty about his request. Similarly when one gives to charity he can do it with a smile or with a sour face. The Gemara tells us that one who gives with simcha, receives no less than 17 *brachos* for his mitzvah, whereas one who gives unenthusiastically only receives 6 *brachos*. One who performs an act of kindness with a lack of enthusiasm greatly diminishes the effect of his kindness.

One final example is when one asks someone else to do a *chesed* in a particular way and he agrees, but the giver may not take care to do it according to the requirements of the one in need. For example, a wife may ask her husband to clean the house of the mess that has accumulated. He may well have a different conception of a 'tidy' house from that of his wife and only tidy up according to his assessment of what is required. In truth, however, he knows that his wife would like him to clear up according to her level of tidiness. In order to do this *chesed* properly he should strive to do it in the manner that she requires. We have seen that the mitzvot with regard to lending teach us the importance of doing *chesed* in as complete a manner as possible. May we all merit to help others in the most effective way possible.

Both Sides Now
By Sheldon Stern

While "Stairway to Heaven" is considered the greatest song of the rock era, perhaps the most beautiful song during that period is "Both Sides Now" which was written by Joni Mitchell and performed by Judy Collins. It contains the line, "I've looked at life from both sides now." In this week's Parsha, two of our Tannaim look at "both sides" of a particular verse. This presents a bit of a sticky wicket given that the Talmud teaches that one may not present his spin on the reason(s) for Mitzvoths.

Exodus 21:37 teaches the law of "Daled Vehah." If someone steals an ox and either sells or slaughters it, he must compensate the victim with five oxen, while in the case of a sheep he only pays four. Rabbi Yochanan Ben Zakkai explained the discrepancy by positing that the Torah is concerned with Kovod Habriyus, the dignity of man. In the case of a sheep the thief generally carries it to his domain. This is demeaning and so the Torah deducts one animal from his penalty. Rabbi Meir takes a different tack. He argues that the verse is teaching us the value of work. An ox is a beast of burden, and so his loss is more acutely felt by its owner and so the punishment is greater. But we must address a difficulty. The Mishna in Berachos 33b, states that if one says that the Mitzvah of Shiluach Haken (sending away the mother bird) shows G-d's mercy we silence him. Seemingly we're not permitted to speculate as to the reasons for Mitzvoths so how are we to understand the Tannaim weighing in on our verse? The Talmud teaches that one may not add any adjectives to the first blessing of the Amidah. Hashem is Hagadol, Hagibor Vehanora (the great, the mighty and the awesome) and as, Genesis sang, "That's All." But why? There are people who daven with fervor and passion (I wish I was one of them). Surely such individuals would love to add encomiums, but it's strictly forbidden to append to the words of the Anshei Knesseth Gedolah. Moreover, that august body was only permitted to use those praises because Moshe employed them in Dev 10:17, clearly with Hashem's imprimatur. The reason is manifest. Hashem is infinite and when we try to describe Him in human terms it detracts from His essence. Therefore, it's prohibited to say that the reason for the Mitzvah of Shiluach Haken is that it evinces G-d's kindness. Just as Hashem is unlimited so too is the Torah boundless and so it's inappropriate to offer finite explanations. On the other hand, there's nothing wrong with deriving lessons from the Mitzvoths and to that point we can certainly say that Shiluach Haken is an example of G-d's mercy. So too, it was certainly fitting for the Tannaim to offer their respective takes on the verse in question. The Torah was given to us to labor in both day and night and so the Tannaim, who are its foremost practitioners, are not only permitted but they're obligated to offer their insights.

But this Rashi also teaches an essential lesson. The first Mishna in Avos finds the Anshei Knesseth Gedolah warning us to be deliberate in judgment, but this admonition isn't solely intended for judges. Dylan wrote, "We all see the same things we just start out from a different point of view." The American bard was Michavin to that Mishna. If we look at a certain situation from one vantage point we'll likely come to one conclusion, but if we employ another perspective we may very well reach a totally different decision. Let me illustrate with a story. It was 1984 and I had just graduated dental school. I was waiting for the state to send my license so I could start working when I got summoned for jury duty. As "luck" would have it I was put on a dental malpractice suit. I along with the other jurors listened as the lawyer for the plaintiff described how his client suffered at the hands of that butcher. We were then escorted to a room to deliberate. One fellow took the lead and said, "They gotta fry that pig. Look what he did to that poor patient." He had all the others in lockstep but then I chimed in, "We really can't come to a decision until we see the x-rays." The foreman countered, "What do we need the x-rays for? You heard what the lawyer said." I responded, "The patient had a root canal. It's not unusual to have pain from that procedure." With that the spokesman asked me, "How do you know so much?" I spilled the beans and he then sheepishly asked me, "So is the dentist innocent?" I repeated that I couldn't make any determination until I saw the x-rays. Obviously I excused myself from the case, but it left an impression, to wit. how easily peoples' minds can be changed. The only way to avoid being a lemming is by using our G-d given faculty for thought.

And this obligation to delve into the Torah redounds, not only to the leading Sages of each generation, but to each and every one of us. Buffalo Springfield, a precursor to the supergroup CSN&Y had an anti-establishment hit in 1966 called, "For What It's Worth." It featured the line, "Nobody's right when everybody's wrong." The Torah puts such a slant on its head. Hashem welcomes any and all sincere attempts to come closer to his Torah. There are, however, some ground rules that must be followed. First, one must, as Supertramp sang, "Be Logical." Next, present your own views instead of aping what your mentors have said. Finally, and this is the most important caveat, "Don't malign what you hear if it's at odds with a preexisting "truth." I was once giving a Dvar Torah in shul and the Rabbi interrupted, "That's totally wrong. I can show you in writing that it's against what my Rav said." The principle of Eilu Veilu Divrei Elokim is all encompassing. We must be able to embrace all expressions of Torah no matter its source. Let's return to "Both Sides Now." Ms. Mitchell wrote, "It's life's illusions I recall, I really don't know life at all." And the same can be said by anyone trying to make inroads into the Torah. It's so majestic, so far beyond us, but still it calls to us to take our share. It was 1969. Man walked on the moon but I was focused on the news that the Beatles were splitting up. Chazal tell us that Hashem sends the cure before the malady and so Elton John arrived and I heard "Your Song." "I know it's not much but it's the best I can do my gift is my song and this one's for you."