

<u>Candles</u>	<u>Mishpatim</u>	<u>Havdala</u>	<u>next week</u>
4:34pm	Yerushalayim	5:49pm	4:40 / 5:55
4:52pm	S'derot	5:52pm	4:58 / 5:57
4:49pm	Gush Etzion	5:49pm	4:55 / 5:55
4:49pm	Raanana	5:50pm	4:56 / 5:56
4:50pm	Beit Shemesh•RBS	5:50pm	4:56 / 5:56
4:49pm	Netanya	5:49pm	4:55 / 5:55
4:50pm	Rehovot	5:50pm	4:56 / 5:56
4:49pm	Be'er Sheva (& Otmiel)	5:51pm	4:56 / 5:57
4:49pm	Modi'in• Chashmona'im	5:49pm	4:56 / 5:55
4:34pm	Petach Tikva	5:50pm	4:40 / 5:56
4:34pm	Maale Adumim	5:48pm	4:40 / 5:54
4:48pm	Ginot Shomron	5:49pm	4:55 / 5:55
4:48pm	Gush Shiloh	5:48pm	4:54 / 5:54
4:50pm	K4 & Hevron	5:50pm	4:56 / 5:55
4:49pm	Giv'at Ze'ev	5:49pm	4:55 / 5:55
4:50pm	Yad Binyamin	5:50pm	4:57 / 5:56
4:51pm	Ashkelon	5:51pm	4:58 / 5:57
4:35pm	Tzfat	5:46pm	4:42 / 5:52
4:48pm	Zichron Yaakov	5:49pm	4:55 / 5:55

Rabbeinu Tam Havdala - MISHPATIM - 6:25pm

**Ranges are 10 days. WED-FRI
21-30 Shvat • Jan 26 - Feb 4**

Earliest Talit & T'filin	5:44-5:39am
Sunrise	6:37-6:31am
Sof Z'man K' Sh'ma (Magen Avraham: 8:36-8:35am)	9:14-9:12am
Sof Z'man T'fila (Magen Avraham: 9:35-9:35am)	10:06-10:05am
Chatzot (halachic noon)	11:51½-11:53am
Mincha Gedola (earliest Mincha)	12:22-12:23pm
Plag Mincha	4:01½-4:08¼pm
Sunset (based on sea level: 5:07-5:15pm)	5:12-5:20pm

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LEAD TIDBIT cont. from front page

reasons for its place before Matan Torah. Without contradicting that idea, we are saying now that the court system that Yitro proposed is the necessary prerequisite of Mishpatim.

In fact, it was at Mara that the people received an introduction to some of the Torah's mitzvot - including some of Mishpatim. They needed a foretaste of the day-to-day way of life to which they would be committing. That was a couple of weeks before Maamad Har Sinai. So the topic belongs before the account of Matan Torah, as well as after it. And that's what we have with the combined Yitro-Mishpatim super-sedra.

On the other side, the fact that the Torah continues the narrative of Matan Torah at the end of Mishpatim - or to put it differently, the fact that the Torah interrupts the account of Matan Torah with the many details of Parshat Mishpatim... Let's take back the word interrupts and replace it with interjects. Better.

None of Parshat Mishpatim is an interruption of Matan Torah; it is an expansion of the same idea, the same process.

On the day of Matan Torah, we heard the two word phrase - LO TIGNOV. That's it, as far as stealing is concerned. What about all the details? That's what G-d taught Moshe Rabeinu on Har Sinai in the 40 days and 40 nights. And when Moshe came down from the mountain (let's leave the terrible

episode of the Golden Calf out of the picture for now), he said to the people the equivalent of, "you heard LO TIGNOV. This is what it means. This is what is included in it. This is the punishment structure of the various aspects of stealing.

Of course, most of the rest of the Torah also gives us the fuller picture of what Torah is and what G-d wants of us. But Mishpatim is a solid start in that direction. A solid collection of mitzvot that will allow us to break for the Mishkan sedras (and the tragic event that we are leaving out of the picture for now), before we continue with the other mitzvot.

Shabbat was first introduced to us with the account of Creation. We then added to that the aspects of Shabbat related to the manna from Parshat B'shalach. In Yitro we find the commands of Shabbat - the positive command to remember Shabbat and make it holy. The prohibition of all manner of Melacha, creative activity. In Mishpatim, the other side of the Melacha-prohibition coin is introduced, as we have presented in the Sedra Summary. Two sides of the same coin are sort of like Siamese Twins. And the Chagim that are mentioned in Mishpatim add to our picture of Shabbat. Same kind of Kedusha. And the introduction of Sh'mita (with the detailed prohibitions being found in Parshat B'har) also fills out our picture of Shabbat. There's a lot more that link Yitro and Mishpatim.

Mishpatim stats

18th of 54 sedras;
6th of 11 in Sh'mot

Written on 185 lines in a Torah, ranks 31st

33 parshiyot; 6 open and 27 closed

3rd most in the Torah; 2nd most S'tumot

118 p'sukim - ranks 22nd (5th in Sh'mot)

1462 words - ranks 31st (7th in Sh'mot)

5313 letters - ranks 37th (8th in Sh'mot)

The noticeable drop in ranking from p'sukim to words indicates short p'sukim; in fact, Mishpatim's p'sukim are among the shortest in the Torah.

MITZVOT

MISHPATIM has 53 mitzvot; 23 positive and 30 prohibitions. Only 3 sedras have more mitzvot - Ki Teitzei (74), Emor (63), and R'ei (55).

Kedoshim follows Mishpatim with 51 mitzvot. And let's add Shoftim with 41, since the next in line is way down at 28. Mishpatim has 8.65% of the Torah's mitzvot (1.85% is average); 48% of the mitzvot in Sh'mot.

These top 6 mitzva-sedras account for 337 of the 613 mitzvot - that's 55% of the Torah's mitzvot in 7½% of its sedras.

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Aliya-by-Aliya Sedra Summary

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

Numbers in [square brackets] are the Mitzva-counts of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition) - Rambam counts positives (248) and prohibitions (365) separately. X:Y is the perek and pasuk from which the mitzva is counted.

Kohen - First Aliya 19 p'sukim - 21:1-19

[P> 21:1 (6)] EVED IVRI, a Jewish male indentured servant, works for 6 years and goes free in the 7th year. He leaves as he entered, i.e. if he had a wife and children previously, they, of course, leave with him. If, on the other hand, his master had given him a SHIFCHA K'NAANIT as a wife, she and any children he fathered remain the possessions of the master - they are halachically not his wife or children.

[BTW, if the SHIFCHA and/or the children are freed, they become Jews (similar to converts) - unrelated to their "husband" or biological father, the former EVED IVRI. It's more complicated than presented, does not apply in our time, but that's the idea.]

If the EVED IVRI wants to remain in his master's service, his ear is pierced (a symbolic rebuke: "The ear that heard at Sinai that we are G-d's servants, should not want to be a servant to a servant.") and now he serves "forever" (until Yovel). The details of EVED IVRI constitute a positive commandment **[42,A232 21:1]**.

SDT: *Of all the topics to begin this mitzva-filled sedra, we see a significance in the Torah's choice of SERVITUDE. This is part of the definition of Belief in G-d, the first Commandment. G-d puts Himself in the context of He Who freed us from slavery. We should not be slaves anymore; and we probably shouldn't have any. But at a time when it was still practiced, we are duty-bound to treat the EVED in the manner commanded by the Torah, thus reflecting our belief in G-d. In fact, the Gemara says that he who acquires an EVED (IVRI), it is as if he has acquired a master. One blanket in cold weather - the EVED gets it, not the "owner". No humiliating treatment permitted. And more.*

As you can tell by the large number of parshiyot, the many topics and mitzvot are subdivided



well in this sedra. This indicates not only many mitzvot, but many different types and categories of mitzvot. The first parsha deals with EVED IVRI, as explained, and is introduced by the opening pasuk of this entire mitzva-filled sedra - And these are the laws that you shall place before them...

[S> 21:7 (5)] A man can arrange for his daughter to be "in service". She, the AMA IVRIYA, does not have the same rules as an EVED IVRI. Either her master, master's son, or someone else, takes her as a wife **[43,A233 21:8]** with the full rights and respect accorded a Jewish wife - NOT LESS **[46, L262 21:10]**, or she is to be redeemed or returned to her family **[44,A234 21:8]**, but she may not be sold to anyone else **[45,L261 21:8]** or belittled or disgraced.

The alternative to the above options is to free her completely. (Apparently, the purpose of AMA IVRIYA is to help the young girl improve her status in society.)

May the Torah learned here be
שמתי לעילוי נשמת
Andor Jack Birnbaum ז"ל
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It is interesting and important to note that mitzva #46 includes giving ALL wives (not just the former maid-servant) their rights under Jewish Law. This is an example (there are others) of a mitzva whose context in the Written Torah is narrow, but whose scope, as taught to us by the Oral Torah, is much broader. This is **NOT** a case of Rabbinic extension of Torah Law, nor of Rabbinic legislation. It is a DEFINITION of the Torah's intent, as transmitted to us via the Oral Tradition. Our Sages did both - transmit G-d's law and legislate their laws... and teach us which is which.

[S> 21:12 (2)] Murder is punishable by beheading, known as HEREG or SAYIF. This is an example of the Torah's presenting both a warning - LO TIRTZACH, Thou shalt not murder, and a punishment - He who strikes a man and he dies, he shall be put to death.

There are 4 capital punishments, each fitting particular crimes and sins. Rambam counts four separate mitzvot commanding the courts to carry out executions when someone is thus sentenced. At this point in Mishpatim, Rambam counts the mitzva to execute by strangulation he who is tried, convicted, and sentenced for a sin whose punishment is strangulation [47,A227

*Mazal Tov to
Rabbi Aharon & Miriam Adler
and family on the engagement of
their daughter Moriya to Yair*

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21:12]. (It seems that this mitzva was meant to link to 21:16 below, because the punishment fits that context.)

Unintentional killers are provided with a place of refuge.

[S> 21:14 (1)] Intentional murderers who flee to a city of refuge are forcibly returned to stand judgment.

[S> 21:15 (1)] Striking one's parent (and drawing blood) is a capital offense [48,L319 21:15].

[S> 21:16 (1)] Kidnapping (which was prohibited by LO TIGNOV, Commandment #8) is a capital offense if the kidnapper sells the victim into slavery. (Rashi explains the seeming anomaly in the text.)

[S> 21:17 (1)] Cursing one's parent (even after death) is a capital offense.

[S> 21:18 (2)] If one inflicts a non-fatal injury upon another, he must pay full compensation based on five factors: damage, pain, insult, expenses, and lost earning potential [49,A236 21:18].

Implied in this concluding portion of the first Aliya is our Jewish and human obligation and challenge to heal the sick. This derives from the double wording of V'RAPO Y'RAPEI. We do not see G-d as the only healer, so to speak. Of course, everything depends upon G-d, but He expects us, so to speak, to do our share of the task of healing. He supervises that, helps out, and takes over when we've done all we can. (The plain meaning of V'RAPO Y'RAPEI is that part of the payment required of the one who caused the injury is covering the medical expenses.)

Levi - Second Aliya 21 p'sukim - 21:20-22:3

[S> 21:20 (2)] Next we have the command to the courts to carry out the punishment for murder, viz. execution by beheading [50, A226 21:20]. It is significant that the Torah "chose" as the context for this mitzva, the situation of one who beat his EVED CANAANI to death. This is considered an act of murder, the world's attitude and mistreatment of slaves throughout history notwithstanding. In

Jewish law, one may not mistreat his slaves. On the other hand, corporal punishment which does not result in death or even the loss of limb, is within the prerogative of the slave's owner. (But even causing a tooth to fall out is considered excessive and results in the slave being freed.)

[S> 21:22 (4)] The Torah next elaborates on the rules of personal injuries requiring the guilty party to pay compensatory damages. The famous "an eye for an eye..." passage has stimulated much slander against Torah and Judaism by being construed literally. Our Oral Law explains the passage as requiring a thorough evaluation by the court to determine the proper amounts to be paid to the injured party.

[S> 21:26 (2)] A few p'sukim back, the Torah was discussing killing a slave or just injuring him mildly. Here the Torah teaches that if striking a slave causes the loss of an eye... or even a tooth, the slave must be freed.

[P> 21:28 (5)] The next passage of the Torah deals with damages caused by one's ox (all animals are included; the Torah uses a practical example) [51,A237 21:28].

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An animal that kills a human, is to be destroyed by stoning and its carcass may not benefit anyone **[52,L188 21:29]**.

[S> 21:33 (2)] The Torah then discusses damages caused by a pit dug in the ground and negligently left uncovered **[53,A238 21:33]**.

The Gemara enumerates various categories of damages. Each case is to be examined on its own merits, so that the fairest treatment of the parties will result. For example...

[S> 21:35 (2)] If an ox owned by one person gores the ox of another person and kills it, then the two owners share the responsibility and each gets 50% of the value of both the live ox and the dead one. But if the ox that gored had developed a reputation for violent attacks, then its owner is held more accountable. He gives his live ox to the other owner and takes the carcass of the dead ox. It has value, but not as much as a live ox.

[S> 21:37 (4)] Stealing an animal for slaughter or sale is punished by compensation of 4 (for a small animal) or 5 (for a large animal)

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times market value. This reflects the seriousness of stealing another person's livelihood.

If a thief is caught "red-handed" and is killed by the home-owner, there are certain circumstances for which the killing would be justified, and other cases where it would be considered criminal homicide. This is the very sensitive passage that deals with self-defense and preemptive action to protect oneself. The Torah presents both possibilities; it is a Court (of 23) that would have to rule on specific cases and perhaps provide us with rough

guidelines to distinguish between cases. This is the Torah source of "He who comes to kill you, beat him to the draw and kill him first." **הבא השכם והורגו - להרגו, השכם והורגו** - This "permission" to kill is conditional upon it being the only way to save yourself. This is part of what makes this issue so sensitive. It is a "judgment call" on the part of the person, and, literally, a judgment call on the part of the Beit Din.

יְהִי רְצוֹן מִלְּפָנֶיךָ ה' אֱלֹהֵינוּ וְאַל־הִי אָבוֹתֵינוּ
שֶׁתִּשְׁלַח מֵהֶרֶד רְפוּאָה שְׁלֵמָה מִן הַשָּׁמַיִם
רְפוּאָת הַנֶּפֶשׁ וְרְפוּאָת הַגּוּף לְחוֹלִים

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אנשל אשר בן שפרינצא
ישעיה שלום בן מלכה גיטל
יהודה לייב בן הענא
נתנאל יוסף בן שמחה סימה
דוד יוסף בן פייגי פרל
רוני רבקה בת רחל
רבקה בת יעל
קיילא חיינא בת חנה פרומא
עדי בת ליבה איטה
יהודה יורם בן קרן אור
אילנה מיכל בת אלישבע מלכה
רחל שירה בת יפיה דבורה
אברהם ישעיהו בן אביבה
ציפורה בת חנה מנוחה
משה שלמה בן חנה לאה
יצחק קלמן בן דזסה
חנה רבקה בת רייזל
חיה מאירה מינדל בת חוה גאלדא
דינה בת טיישע
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Menya Leba bat Yitta Chaya
Hinda Molly bat Zelda
Shoshana Abra bat Chaya Beila
Chedva bat Chaya
Perel Azaria
בְּתוֹךְ שְׁאָר חוֹלֵי יִשְׂרָאֵל.

A thief who voluntarily turns himself in repays that which he stole. (In certain cases where a false oath compounded a theft, there can be an added penalty of "one fifth - 25% added to the principal.) If a thief is caught, he pays double **[54,A239 22:2]**, or 4-5 times in the case of livestock. A thief (male, not female) who cannot make full restitution can be sold by the court as an Eved Ivri in order to pay off his debts.

Shlishi - Third Aliya 23 p'sukim - 22:4-26

[S> 22:4 (1)] Compensation must be made for damages caused by one's animal's grazing on someone's property **[55, A240 22:4]**.

[S> 22:5 (1)] So too, if damages result from a fire that one carelessly caused, he must pay damages. **[56,A241 22:5]**.

[S> 22:6 (4)] Next, the Torah presents the responsibilities of guardianship - when one is watching that which belongs to someone else without being paid for the service, then the guardian is responsible if something happens to that which he is watching, only if he was negligent in his guardianship. Properly carrying out the laws of the SHOMEIR CHINAM is a positive mitzva **[57,A242 22:6]**.

[S> 22:9 (4)] There are differences in the rules in the case that

the guardian is being paid for his services. E.g. paying someone to house-sit while one is on vacation. Because the guardian is being compensated, he is held responsible for some situations besides his own negligence. These rules also constitute a mitzva [59,A243 22:9]. Included in the rules for SHOMEIR SACHAR are the rules for renting and leasing (SOCHEIR).

The courts are charged [58,A246 22:8] with careful handling all of these types of cases.

[P> 22:13 (2)] The 4th "guardian" is the borrower who is responsible for all losses except the death of a work animal in the normal course of work [60,A244 22:13] (and by extension, the ruin of an object from "normal wear & tear").

[S> 22:15 (2)] A man who seduces an unmarried woman is required to pay punitive damages to her &/or her father. And he must marry her, if she insists [61,A220 22:15].

[S> 22:17 (2)] Sorcery is a capital offense, and it is forbidden for the courts not to judge and execute its practitioners [62,L310 22:17].

Bestiality is a capital offense.

[S> 22:19 (8)] Sacrificing to a god other than HaShem is condemned (to death).

A convert to Judaism must not be embarrassed or taken advantage

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of with words [63,L252 22:20] or in money matters [64, L253 22:20]. These rules vis-à-vis the Ger are in addition to the "regular" prohibitions of embarrassing and taking advantage of any Jew. Thus the Torah sensitizes us to the plight of the more vulnerable members of our society. The Torah also spells this out vis-à-vis the orphan and widow [65,L256 22:21].

With so many different parshiyot to handle so many different mitzvot, it is instructive to notice which mitzvot find

themselves in a single parsha. Here we find the requirements of sensitive behavior towards the convert, widow and orphan sharing a parsha with sacrificing to idolatry. One can imagine G-d saying to us, be very careful, I take this as seriously as that. Mistreat a GER? That to Me is as serious as if you mistreated Me, so to speak.

[P> 22:24 (3)] It is a mitzva to lend money to a poor person [66,A197 22:24] and not demand repayment when none is reasonably forthcoming [67, L234 22:24]. Included in this passage is the prohibition of charging interest on personal loans or having any part in such a loan [68,L237 22:20].

If one took a poor person's bedding as security for a loan, it must be returned each evening for his use. This is but one of the many lesson's in the Torah in G'milut Chasadim.

Note that the Torah requires a behavior of us that is far above the standards of the world, even the civilized world. The rest of the world recognizes that taking advantage of people by charging exorbitant interest is

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wrong. Usury or loan-sharking is understood to be improper by most societies. Charging a "reasonable" amount of interest is universally accepted. Except within the Jewish world. We might not always live up to G-d's expectations of us, but we are supposed to. This is our *raison d'etre*.

R'vi'i - Fourth Aliya **9 p'sukim - 22:27-23:5**

[S> 22:27 (4)] Do not curse judges [69,L315 22:27] nor The Judge (the prohibition of blasphemy) [70,L60 22:27], nor may we curse our leaders [71, L316 22:27]. Note that 69 & 70 are counted as two separate mitzvot (prohibitions) although they share the very same words in the verse - ELOHIM LO T'KALEIL. Here, Elokim is taken as referring to G-d, as well as Elohim, meaning judges.

Do not withhold the gifts of the produce - T'ruma, Maaser, etc. - nor confuse the order in which these gifts should be taken from produce [72,L154 22:28].

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this issue of TT be לעילוי נשמת
my beloved mother
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בת מנחם מאניס ובריינל ע"ה
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Firstborn sons are to "be given to G-d" (i.e. redeemed, with Pidyon HaBen). Firstborn cows, goats, and sheep are sanctified and require special procedures.

The Torah here briefly mentions the prohibition of taking an animal for a korban from its mother before it is eight days old. Such a korban would be automatically invalid, a M'CHUSAR Z'MAN, lacking in time.

TREIFA, literally an animal torn up by a predator and left to die, is forbidden to eat (even though the animal was killed by sh'chita, ritual slaughter), but other benefits may be derived from it. Included in the laws of TREIFA are animals

found, upon post-mortem examination, to have specific defects [73,L181 22:30]. Note that the term TREIF is also used for all non-kosher, but its specific meaning is as above.

How's that for an interesting collection of mitzvot to be contained within one parsha! (Remember that Mishpatim is not "Stingy" with its parsha arrangements.)

[S> 23:1 (3)] Courts may not hear one side of a dispute without the other party being present [74, L281 23:1]. Included in this prohibition is not being influenced by rumors. Judges may not accept testimony from unworthy witnesses [75,L286 23:1]. A majority

Ki Teitzei's war is Mishpatim's what?

of one is not sufficient to convict in capital or corporal cases [76, L282 23:2]. In their deliberations, judges must be careful not to do anything that might pervert justice or unfairly shift the feelings of the court against the accused [77, L283 23:2]. Generally, rules of law are determined by majority vote of the judges [78, A175 23:2]. Judges may not show favoritism, even towards the poor [79,L277 23:3].

SDT: *A judge's heart might go out to a poor person who stands before him in a dispute with a wealthy man. Would it not be an act of kindness, of Chesed, to see to it that the poor person wins the dispute? NO! Not at the expense of justice. A judge wants to give charity? Fine. He wants to convince the rich guy to help the poor guy out? Nice. But justice must be fairly meted out. Every bent case shakes the whole society's confidence in the justice system.*

[S> 23:4 (1)] If one finds a stray animal, he shall return it to its rightful owner (even if it involves personal expense). This command is related to Lost & Found whose "primary" place is Ki Teitzei.

[S> 23:5 (1)] One must help even his enemy unload his beast of burden [80,A202 23:5]. This mitzva is one of several that are considered the sources of the concept of Tzaar Baalei Chayim.

SDT: *Sefer HaChinuch says that if this mitzva applies to a donkey, how much more so does it apply to humans. If one sees a fellow loaded down with bundles,*

it is a Torah mitzva to help him with them. And what might follow from that idea is that when someone offers to help you with packages, don't immediately say "no thank you". It is a nice thing to be gracious and accept the help - good for you and a merit for the one offering.

By the way, when someone does a mitzva that is also helpful to you, it is proper to say THANK YOU and TIZKEH L'MITZVOT (not just Tizkeh L'mitzvot). Thank you addresses the BEIN ADAM L'CHAVEIRO aspect of what was done, and Tizkeh L'Mitzvot relates to BEIN ADAM LAMAKOM.

Chamishi 5th Aliya **14 p'sukim - 23:6-19**

[S> 23:6 (14)] One must not pervert justice even by slanting a case against a wicked person [81, L278 23:6]. Keep far away from falsehood and be careful not to build a case on circumstantial evidence and supposition [82,L290 23:7]. Do not take bribes, even if they won't affect the outcome of a case [83,L274 23:8]. Do not oppress a stranger (convert?); this is a lesson of the Egyptian experience. One's fields are to be worked for six years and rested during the seventh, so that the poor and even the wildlife will be able to enjoy the land [84,A134 23:11]. One must abstain from all manner of creative Melacha on Shabbat [85, A154 23:12].

continued on page 51

Divrei Menachem

It is strange that the first of the civil laws introduced in Parshat Mishpatim should deal with the case of a Jewish slave about to be set free at the end of his tenure. If the servant says that he loves his master, wife, and children, and does not want his freedom, then his master must bring him in front of the judges and pierce the servant's ear on a door or doorpost.

What's this all about? For Rashi, we are talking about a servant whose ear at Sinai heard the command not to steal - but as a result of thieving was given into slavery. Alternatively, the slave was destitute and sold himself into servitude and now failed to hearken to what his ear heard at Sinai, namely, "For the Children of Israel are servants unto Me."

For Rabbi Shimon the door/doorpost were witnesses in Egypt when Hashem passed over the lintel and doorposts of the Israelites, thus freeing them from slavery. And now the servant wants to be a perpetual slave to a human rather than a free man whose primary goal is service to Hashem!

How often we are faced with the same dilemma in our times! Who has not been trapped by the burdens of daily life that constrain us within our comfort levels and turn us into servants of our immediate needs and desires? When, indeed, will our ears really hear the calling that will turn us, first and foremost, into genuine servants of Hashem? Then we just might be capable of imbibing the entire multitude of civil laws to be found later in Parshat Mishpatim and beyond.

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VEBBE REBBE

QUESTION: *Our daughter was engaged, and her chatan broke off the engagement with complaints we know are untrue. We paid for many wedding expenses, and his side has not agreed to pay their share. The chatan had given our daughter an engagement ring and other jewelry, and we have received word that his family wants them back. Are we required to return them, or may we hold on to the jewelry until we have been compensated?*

ANSWER: This question has two elements, one specific to Even Haezer (laws related to marriage) and another that is classic Choshen Mishpat (monetary law).

The mishna (Bava Batra 146a) says that certain sivolnot (presents that a chatan gives to a kalla before their marriage) return to the chatan if they do not get married. The basic distinction is as follows. Those presents (including food stuffs) that were meant to be used up during the pre-wedding celebration were appropriately given even if the end goal of marriage was not met and need not be returned. However, presents that were to last into the future are deemed to be done on the condition of marriage and must be returned if they do not get married (see also, Shulchan Aruch, Even HaEzer 50:3). Although usually we say that conditions that undo a transaction must be verbalized, when it is clear that a present is based on

future expectation, it is deemed conditional. This is true even if the kalla is not at fault at all, including if one of the parties dies (ibid.). In fact, if the kalla backs out, then her side has to pay for the money the chatan wasted on the celebrations. (Similarly, a chatan is required to return the presents that he received from the kalla's side - ibid. 4). Thus, on the basic level, you are required to return the jewelry.

However, on the second level, your claims are likely to have merit. You spent a lot of non-refundable money on wedding preparations, which now, by his backing out, is a loss to you. It is likely somewhat complicated to figure out how much of the above the other side owes you, and it may depend on specific elements of agreements and the chain of event that we are unaware of. We will not express an opinion without hearing both sides, and it might require a formal Beit Din setting to determine an exact solution. However, since the other side has resisted dealing with the matter, the question is about taking the law into your own hands by withholding the jewelry.

Taking things of value in lieu of payment one believes he deserves is known as tefisa, and its laws are very

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complicated. The biggest limitations are against unilaterally taking something as collateral for a loan, which the Torah forbids (D'varim 24:11), causing damage during the tefisa, and when one takes something he cannot prove he deserves (Rama, Choshen Mishpat 4:1). However, the main problem is in the act of taking. If the other party had voluntarily given the object (as in this case), he can hold on to it as a guarantee until his rights have been properly addressed (whether by agreement, mediation, or arbitration) (see Yam Shel Shlomo, Bava Kama 3:5). While it is problematic to obtain the object through deception (K'tzot Hachoshen 4:1), that is certainly not the case here.

Legal tefisa can also be an advantage where it is unclear to a Beit Din which side is correct, as the one holding the object in hope of payment is no longer the only one trying to extract payment from the person in possession. (The details are too complex to discuss seriously in this context, but one can see Klalei Tefisa (CM 25), par. 7, 17).

All of this being said, it is extremely important from a personal, spiritual, and practical perspective to allow the painful matter of a broken engagement to heal with as good terms as possible. Extended recriminations and posturing can cause all sorts of problems for the chatan's and the kalla's futures. Therefore, one should make certain sacrifices to do what is smart, not just what is right.

Rav Daniel Mann, Eretz Hemdah Institute

Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet by Eretz Hemdah. You can receive it by sending an email to info@eretzhemdah.org with the message: Subscribe/English or Subscribe/Hebrew - leave subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel.

"OLEH CHADASH: 60 YEARS AGO" [3] by Dr. Meir Tamari

Hashem said to Avraham, KUM HIT-HALEICH BAARETZ... and ever since, Eretz Yisrael has stimulated everybody, Jews and non-Jews alike, to follow. There is the urge to tour but here, singularly of all countries, not only as sightseers but rather as pilgrims, as seekers after spiritual connections, after personal roots of diverse kinds; we were no different. Here we would meet the people and places of the Tanach, the ideas and history of Zionism, kings and prophets, countless tzadikim and scholars, and the waves of olim throughout the ages. Here the hills and valleys, the water, trees and crops, the summer heat and winter rain, even the very sky and earth bring alive the language, the teachings and the ideals of Judaism in a way that cannot be realized by any country of the galut. We don't learn, 'Rashi said' but 'Rashi says', not 'the Rambam ruled' but 'he rules', and not 'Hillel held' but 'Hillel holds'; so too, in this tour all that one learnt came alive and real

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Bavel. This was the way for armies, merchants and cultures to move in both directions, so it was easy to hear the sounds of the battle of defeat of Yoshiyahu by Pharaoh Necho, to visualize the stables of Shlomo HaMelech at Megido, to follow Eliyahu as he ran before the chariot of Ahav from the Carmel till Yezreel, to see the bare Gilboa bearing witness to the curse of David after the death of Shaul and Yonatan, and to drink the waters of Ein Harod together with the 300 soldiers of Gideon. Archeological sites were mainly undeveloped and free, so you climbed the Tel of Beit Shan, on whose walls the Philistines hung the bodies of Shaul and Yonatan, with its 19 levels of settlement. You sat on the stone seats of the shul of Beit Aifa or stood in the one of Kfar Nahum where our ancestors davened 1500 years ago. You could hide in the caves of the Galil with Shimon bar Yochai and his son or walk the streets of Teveria with Rabbi Akiva and Rabbi Meir and, in Tzfät, sing Lecha

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As it has been from the days of Yehoshua, security, defense and war are still the real, everyday issues. "The border lies before you", was a sign that greeted one at almost every turn and corner. Every yishuv had its security-military liaison officer the MA'AZ, or in the language of the Nach, Gibor HaChayil. Every second Israeli seemed to be a soldier, troop-carriers and tanks often roared through the streets, large numbers of the men carried side-arms and khaki was the in color for men, whether military or civilians. For Jews of the galut, even the fact that the policemen were Jews and therefore allies not enemies was a radically new experience.

Although it was a smaller Israel then, the heart HaShomron and Emek HaYarden was missing, so that paradoxically, journeys took longer. Motor cars, significantly known as 'privats', were few and far between. One traveled preferably hitch-hiking by truck or on the perpetually late buses, overcrowded and overloaded with people, packages and chickens. In the cities there were small but cheap hotels; the others were expensive and

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non-kosher. Otherwise one planned one's journey around the kibbutzim, not only because free lodging for hitch-hikers was usually available but because they were also part of the search.

The 11 religious kibbutzim were truly a geographical experience since they ranged from Lavi in the Galil to the Tirat Tzvi block in the Beit Shean area to Yavneh, Kfar Darom and Ein Tzurim in the Mercaz and finally to Saad in the south, opposite Egyptian-held Aza.

However, there were issues as well, since there were already in those early days, signs of ideological problems. Religious observance was of a varying standard but there were also departures from pure communalism. Most of them employed hired labor - primarily olim from the ma'abarot; paradoxically these poor sefaradim refused to work on Chol HaMoed while the religious kibbutznik considered that it was permissible. Private property, including reparations money from Germany and the introduction of personal budgets for clothing and petty items, was starting to gnaw away at the collective ideal. Chazal recognized that one who says, "what's mine is yours and what's yours is mine", is an am ha'aretz. □

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Trust in G-d vs. Self-Reliance

Adapted from Ein Ayah vol. 1, p. 57

The Talmud (B'rachot 10b) tells a puzzling story about the righteous king Chizkiyahu. It is related that the king secreted away the medical books of his day. Why? King Chizkiyahu felt that the people relied too heavily on the prescriptions described in those texts, and did not pray to G-d to heal them.

Surprisingly, the Sages approved of Chizkiyahu'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" (Sh'mot 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 G-d made him ill, it is up to G-d to heal him", but we 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 G-d 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 G-d's help?

Two Forms of Bitachon

Rav Kook explained that there are two forms of bitachon, reliance on G-d.

There is the normative level of trust, that G-d will assist us in our efforts to help ourselves. And there is the simple trust in G-d 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 Ai (Yehoshua 8).

On other occasions, human effort was considered a demonstration of lack of faith, as when G-d instructed Gideon not to send too many soldiers to fight, "Lest Israel should proudly say 'My own hand saved me'" (Shoftim 7:2). Why did G-d 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 G-d's hand in the natural course of events, when we are aware that G-d is the source of our

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strength and skill - "Remember HaShem your G-d, for it is He Who gives you strength to succeed" (D'varim 8:18) - then G-d 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 Yehoshua.

On the other hand, there are times when the people are incapable of seeing G-d'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 G-d'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

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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 G-d. In the time of Gideon, the people's faith had lapsed, and needed strengthening. Similarly, in the time of King Chikiyahu, the king realized that the corrupt reign of Ahaz had caused the people to forget G-d 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 G-d are strong, it is preferable that we utilize our own energies and talents, and recognize G-d's hand within the natural universe. The enlightened

It may never occur to us to be offended, but one's assuming that we are taking offense, to a certain extent, causes us to do so.

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viewpoint calls out, "Lift up your eyes on high and see: Who created these?" (Yeshayahu 40:26). So it was when Yehoshua conquered the city of Ai. After forty years of constant miracles in the desert, the people were already thoroughly imbued with trust in G-d. 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. [The Jerusalem Talmud (Berachot 1:1) recounts that two sages were walking in the Arbel Valley when they witnessed the first rays of dawn break forth. Rabbi Chiyya told his colleague, "So is the redemption of Israel. In the beginning it starts out slowly; then, as it progresses, it becomes greater and greater."] It all depends on the level of our faith in G-d. It is certainly integral to our national pride that we take an active role in rebuilding the House of Israel. □

CHIZUK AND IDUD

*Divrei Torah from the weekly sedra
with a focus on living in Eretz Yisrael -
Chizuk for Olim & Idud for not-yet-Olim*

In Parshat Mishpatim, Hashem promises to send an angel before Am Yisrael to lead the nation to the place that "I have prepared". (Sh'mot 23:20). The place, Eretz Yisrael, is not

identified by name. In explaining this verse, the Midrash (Sh'mot Rabba 23:2) highlights another verse, Yirmi-

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yahu 3:19, where Hashem likewise does not refer to Eretz Yisrael by name. He simply calls it the desirable land (Eretz Chemda).

The Rabbis explain that the land is desirable because Hashem made it desirable to our forefathers Avraham, Yitzchak and Yaakov.

When He first told Avraham to leave Charan, LECH LECHA, Hashem specifically did not identify the destination. This lent an air of mystery and enticement to Avraham's journey.

Yitzchak was commanded by Hashem never to leave the Land, even when faced with severe hardship. Thus, its uniqueness was linked to the very fabric of Yitzchak's being -- making it more desirable to him.

Hashem caused Yaakov to be exiled from Eretz Yisrael twice. He returned the first time joyfully with his family. The second time, however, was more solemn - occurring after the end of his life when his sons interred his body in Chevron. One can only imagine Yaakov's longing for the land during each absence.

Avraham represents any Jew currently living in Galut who has not yet made aliyah. Simply, LECH LECHA. The land is just ahead and it is precious. We,

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the Yitzchak Jews, are already here in our holy land. Our tasks are not to take it for granted and to appreciate that we are now defined by it. Then there are the Yaakov Jews -- those that have already been here and have left. They can choose to return joyfully on their own terms or they perhaps may later need to return under less favorable circumstances.

Hashem has already prepared the land for us. He has handed it to us in a miraculous fashion. We need to show that we recognize that it is an Eretz Chemda and that we are willing to commit ourselves to it - to all of it!

Rabbi Steven Ettinger, Hashmona'im

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P'sukei d'Zimra: Hodu The Power of Holiness

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בשחקים. נורא אלהים ממקדשיך,
אל ישראל, הוא נותן עז ותעצמות
לעם, ברוך אלהים.

Meaning: translation...

Render might to G-d, Whose majesty hovers over Israel and Whose might is in the clouds. **You are awesome, O G-d, from your sanctuaries,** O G-d of Israel - it is He Who grants might and power to the people, blessed is G-d.

Theme:

An essential concept of the prayer

A Powerful Presence

Hashem's holiness is powerful in our sanctuaries.

Insight: Deeper meanings...

Always Near

A fundamental question arises: If Hashem is Omnipresent, why do we single out the Shechina's Presence in

certain holy places -- such as a shul during tefilla? What is the significance of the Shechina's Presence in these sacred places if Hashem is everywhere and anywhere?

The Aruch L'Ner (She'eilot UTshuvot Binyan Tzion 3) explains the concept as follows: the Shechina, which we refer to as residing in various holy places, is not the actual entity of the Divine Presence, but an emanation of it. The Torah calls the Shechina "the Glory of Hashem", and specifies locations in the earthly sphere where the Shechina's Presence is apparent (Sh'mot 24:16; 40:34): "And the Glory of Hashem dwelled on Mount Sinai" and "the Glory of Hashem filled the Mishkan."

Rav Chaim Friedlander, Mashgiach of the Ponevezh Yeshiva (Sifsei Chayim, Pirkei Emunah V'Hashgacha vol. 1, p.170, citing the Ramchal) explains that "Shechina" - which refers to "that which resides in your midst" - represents our relationship with Hashem.

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Thus, although His Presence is indeed constant, our awareness of the Shechina is stronger when we are inspired by an occasion or a place of holiness. To the extent that we seek the Shechina, we find It.

Therefore, Eitz Yosef explains that even though the actual entity of the Divine Presence rests above, NORA ELOKIM MIMIKDASHECHA, the emanation of it is awesome here in our own shuls.

Visualize:

Images that bring the prayer to life

Where the Shechina Shines Bright

The sun shines down upon the earth. One person, living near the equator, stands outside in broad daylight and feels intense heat beating down on his head. He travels a few hundred miles north, and the rays seem weaker. He steps into the shade of a tree and the sun's rays are obstructed. Dusk sets in and the sun disappears below the horizon. Yet out there in space, 93 million miles away, the sun is still emanating its constant blaze of light and heat, utterly unabated. To the person experiencing the sun's heat, it seems to change from time to time and place to place, but it is not really the sun that is changing.

Mazal Tov to Reuven & Rose Wolfeld and family on the birth of their granddaughter

The same idea applies to the Shechina; the Glory of Hashem resides in the distant Heavens, while the Shechina's Presence on earth refers to the force of holiness and sacredness that emanates from the Glory of Hashem so far away. This explains how different degrees of Shechina rest in diverse holy places. The Ohr HaChayim HaKadosh (B'reishit 46:4) comments that the levels of kedusha emanating from the Shechina vary according to the holiness of people present, the activities in which they are engaged, and the place they are occupying.

Try this:

The next time you walk into your shul or beit medrash, imagine that the room is ablaze with brilliant light, and that light is the Shechina, shining, its holiness for everyone to see.

Try this:

Chazal (see Yechezkiel 11:16) tell us that because we no longer merit having the Holy Temple, our shuls serve as a Mikdash Me'at, a small Sanctuary, and our prayers substitute for the offerings. The Mishna B'rura 151:1 explains that since a shul is called Mikdash Me'at, the exhortation "and My Sanctuary shall you revere" (Vayikra 19:30) applies to every shul, each of which has the halachic status of kedusha. So holy are these way stations of exile scattered throughout the world that they will be transported to Jerusalem when Mashiach arrives (Megila 29a). ☸

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WISDOM & WIT

by Shmuel Himelstein

R' Yehoshua Leib Diskin was present at a gathering marking the end of shiva of one of his students. After all the eulogies, one of those present chanted the Keil Malei Rachamim - a prayer which beseeches Hashem to look with favor upon the departed.

After the ceremony and after everyone had left, R' Yehoshua Leib called over his shamash and handed him a sum of money, to be given to tzedaka for the sake of the soul of the departed. He explained: "In the Keil Malei Rachamim prayer, we ask Hashem to look with favor upon the departed one, but the prayer also states that Hashem should do so 'as the congregation has donated money on his behalf'. I am thus giving this money on behalf of the people who were present here, so that the Keil Malei Rachamim prayer should not be a lie."

Even though R' Akiva Eiger was one of the great Torah giants of the past centuries, he never regarded himself as anything but a common Jew who studied Torah. In all of his correspondence, he would simply sign each letter with "Akiva," without any title or position.

R' Dov Ber of Radoshitz said, The worst thing about poverty is that the poor person thinks that if he only had money he would not have any problems.

Shmuel Himelstein's Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and "Wisdom and Wit" - available at your local Jewish bookstore. If not - ask for it.

Maharal on the Sedra

The Proximity of the Sanhedrin and the Holy Altar

Sh'mot 21:1 - And these are the judgments you shall put before them.

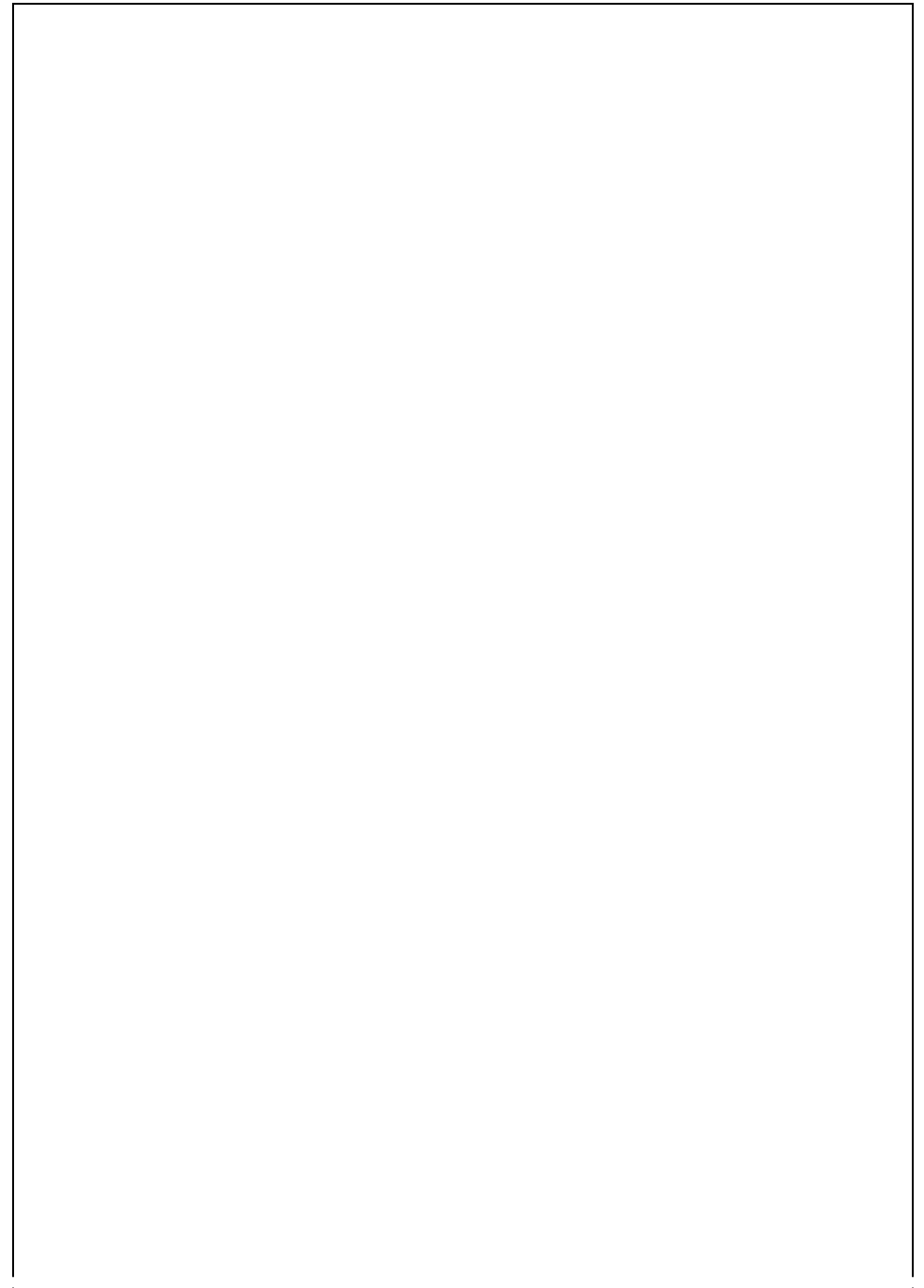
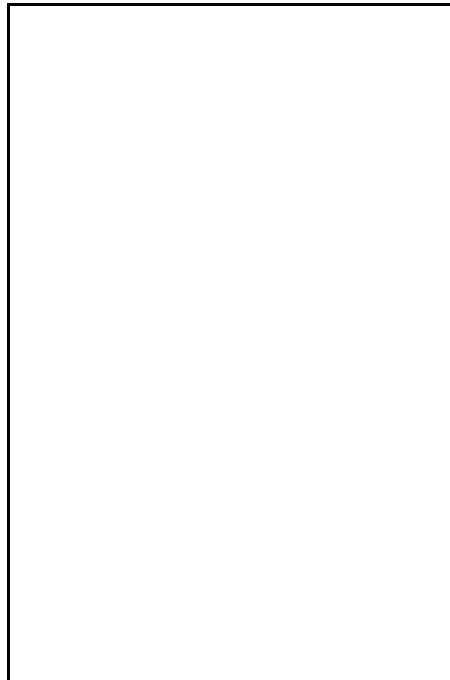
Rashi: The preceding verse discusses the Altar. Why is the Altar portion next to the judgments portion? It is to tell you to put the sanhedrin [high court] next to the Altar.

Gur Arye: They are equals, for the Altar makes peace between Israel and their Father in Heaven and the court makes peace between people. On the Altar, sacrifices are brought, called korban [sacrifice, bringing near] because it brings a person close to the Creator. The kohanim are the intermediaries between the Holy One, blessed be He, and Israel, to make peace between them through the sacrifices, and to cause the Divine Presence to dwell upon the Land.

It is brought in Mechilta [20:22], "You shall not lift iron upon [the stones]" [D'varim 27:5] for the following reasoning: if on the stones, which do not see or hear, the Torah admonishes us not to put iron, symbolizing bloodshed, one who makes peace between man and man, husband and wife, city and city, nation and nation, ever more so should no misfortune befall him. Likewise judgment makes peace in the world. Why should laws that rule the conduct of man with his

fellow man take precedence over all the commandments of the Torah? In a dispute between parties, when the verdict is decided, peace ensues. Thus Altar and court have the commonality of making peace in the world, and share the centrality of the world. King Shlomo wrote, "Your navel is like a round goblet" [Shir HaShirim 7:3], on which the sages said [Sanhedrin 37a], "At earth's very center, Your Sanhedrin site is an ivory basin of ceaseless, flowing teaching." Just as the navel is at the center of a man's body, thus the Sanhedrin in the Office of Hewn Stone is at the center of the world, for the center ties together all the parts. This is how the Altar and the Sanhedrin tie the world together.

Column prepared by Dr. Moshe Kuhn



Fine-tuning to the extreme

For lack of a better title. Look at these words, all of which occur in Mishpatim (and elsewhere).

תִּקְוֶנּוּ, יִשְׁלַחְנּוּ, יִשְׁמְרֶנּוּ, יִכְסֶנּוּ, תִּשְׁיָבֵנּוּ, תִּכְלֹזְנֶנּוּ

From right to left: take him (the murderer, even from the Mizbei'ach), send him (free from being a slave), guard it (a "wild" animal), cover it (a pit), return it (a security to a poor person, a stray animal), pressure him (a convert).

In all cases, the verb refers to third person singular (him or it). Notice that the NUN has a DAGESH in it.

This, in contrast to וַיִּשְׁלַחְנֵנוּ - And He sent us (said the angels to Lot about their mission), תִּשְׁיָבֵנּוּ - You make us turn back... And similar words. Notice no DAGESH in the NUN. The object of the verbs in this form is first person plural, i.e. us.

The KAF HACHAYIM poskins that if one does not stress the NUN (as its DAGESH indicates), then the meaning of the word changes from him to us, and the BK should be told to reread the words.

continue in box on next page...

From "**OzTorah**"
by **Rabbi Dr Raymond Apple**
AO RFD, Emeritus Rabbi of
the Great Synagogue, Sydney
www.oztorah.com

DON'T GIVE UP

One of the great phrases of the sedra is directed to the physician. If an injured person goes to the doctor, RAPO Y'RAPEI - "he (the doctor) shall truly heal" (Sh'mot 21:19). The physician is God's agent. The Divine Healer does not do everything Himself. He licenses human healers to support Him in helping the patient towards recovery.

(It is interesting to note that basically every professional is likewise doing God's work. Just as, for instance, God is KEIL ORECH DIN - "God the Advocate", the human lawyer - orech din - is the Almighty's agent and answerable to Him).

It is said that a rabbinical spiritual leader was approached on behalf of a certain patient with the request to pray for the sick person because the doctors had given up on him. The sage said, "The Torah has only authorised the doctor to bring healing, not to give up on the patient. I will certainly pray for the sick person, and you should too - but tell the doctor that he has to continue with his efforts. He has no mandate to abandon hope. It is God alone Who decides who will live and who will die. Such decisions are not for the doctor."

cont.
from
previous
page...

This, however, is so because many people read the TZEIREI and the SEGOL the same way. Then the only difference between the correct reading and the incorrect is the stressed or the unstressed NUN.

But what about those who distinguish between the TZEIREI and the SEGOL - T'SHIVENNNU and T'SHIVEINU? True, most do not properly distinguish between a DAGESHed letter and one without a DAGESH. Then, T'SHIVENU and T'SHIVEINU will still be different. And then, the meaning of the word will not (necessarily) be changed. Which means that the BK won't have to repeat the word.

Maybe. We're walking a fine line here. The broader question is, does our less-than-exact pronunciation of Hebrew letters and vowels, and our less-than-exact accent of the correct syllable (from time to time) really invalidate a word? Does our (inherited) inexactitude let us get away with certain less-than-perfect pronunciations?

Of course, it is best to pronounce everything the proper way. The speculation of the previous paragraphs is for our less-than-perfect selves. And then there's another factor. If we (all the different we) have developed certain "habits", do they become okay, too?

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OUR SECOND STOP is the ancient City of Tzippori. Our tour of Tzippori will take us back in time, giving us a sense of "having been there" with the forefathers of today's Jewish inhabitants of the Galilee. The City of Zippori hosted the Sanhedrin where Rabbi Yehuda HaNasi redacted the Mishna after the destruction of the second Temple. Its magnificent remains tell the story of this well developed city rich with shuls, public buildings and private villas, a system of streets and aqueducts, mikvaot and bath-houses, a main theatre and more. Artful and lavish mosaic floors and other architectural and archeological components reflect the history of this fascinating site and the lives of its changing and inter-mingled populations of Jews and Romans of long ago. Tzippori comes to life as our tour unfolds

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more
TIYULIM
p.33

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The Old City Enjoy a beautiful lunch at the home of Linda Elman and meet some very special people.

Southern Wall Excavations Experience what it was like as our ancestors prepared to enter the courtyards of the Beit HaMikdash.

In the footsteps of our Avot... and More

THU February 17 - י"ג אדר א' - 7:45am to 9:30pm (350₪ includes dinner)

Kever Rachel Daven there and meet Mrs. Miriam Adani, the charismatic director of the Kever Rachel Fund

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MON February 21 - י"ז אדר א' - 7:45am to 5:30pm (240₪)

Gush Katif Visit Nizan, and learn about the Gush Katif that was in the past and how the former residents of Gush Katif are successfully building a beautiful future. Get ready for some fun and excitement touring a beautiful nature reserve in ATVS!

Sderot Continue on to Sderot to observe first hand the heroic efforts of the Yeshiva and others to help the city stay vibrant and secure. Enjoy lunch at the Hesder Yeshiva in Sderot and hear from the Rosh Yeshiva, Rabbi Dov Fendel.

Discover the Hidden Treasures of the Old City

TUE February 22 - י"ח אדר א' - 8:30am to 12:30pm (65₪)

Inspiring tour with **Rabbi Simcha Hochbaum** that will take you to places that you may have never seen, including **Yad Avshalom**, **Kever Zecharia**, the **Lion's Gate**, the **Kotel HaKatan**, a special visit to **Rebbetzin Zilberman** in the Moslem Quarter and many more hidden treasures.

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and the soldiers of our Army

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to their heritage and to the Land of Israel*

Experience, Discover, be Challenged...

WED, Feb. 16th • 8:00am to 6:00pm

**Gush Etzion, Masuot Yitzchak,
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Hesder Yeshiva, meet with the
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Bear in mind that all which we see is part of the program presented to the soldiers of the IDF, giving them a spiritual link to the people and the land, inspiring them in their task as our brave soldiers.

You will be proud of the OU Israel for its great and dynamic program on behalf of our young men. In the past 3 years more than 30,000 soldiers have participated in the Mashiv HaRuach program in most of what we will be experiencing. The soldiers come face to face with authentic Judaism which has much to say about ethics and values in war time. The soldiers examine together the meaning of Gevura – Jewish heroism – and much much more.

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with our wonderful guide
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on
WED Feb. 23rd • 8:00am to 7:00pm

The Tiyul will consist of...

• **IZBET SARTA** - Even HaEzer, the site of an Israeli village from the time of Joshua bin Nun, which is mentioned in the Book of Samuel

• **MIGDAL ZEDEK National Park** - see the remains of the Crusader Fortress "Mirabell." This site is used in the production of many movies and is the spot where the traffic was very "heavy" in ancient times.

• **MEKOROT VISITORS' CENTER** at Rosh Haayin - also known as the Yarkon Springs. It was the Jerusalem water lifeline in the 30s & 40s and is the main intersection of the Israel National Water Grid. We shall learn about the tapping of the Yarkon River.

• **ANTIPATRIS** a.k.a Tel Afek - today the fortress is in the center of one of our National Parks.

• **ERETZ YISRAEL MUSEUM** - see many fascinating exhibits including the ancient Tel Kasilla. There are indoor and outdoor pavilions where we shall learn much about the development of technology in ancient times.

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Rabbi Emanuel Quint, Dean

Lesson # 549 (part three)

Theft of Intellectual Property

We were discussing the theft coming about though photocopying someone else's work and selling the copies. The restrictions against photocopying are sometimes included in the work itself, and if there is photocopying, the copier has violated the implied agreement with the author he entered into when he bought the book.

There is recent authority holding that if one does photocopy from a work to an extent that the author and/or publisher is deprived of income, the copier should compensate them or be in violation of the laws of stealing. The copier must make a self-appraisal whether he is guilty of stealing. Did he cause a loss to the author by his photocopying and by not buying the book?

The question of copying also arises in copying tapes of music, lectures and the like. There is authority that tapes

*Mazal Tov to Naomi Liberman
and family on the marriage
of her great-granddaughter*

cannot be copied without the consent of the publisher, and to do so is the equivalent of stealing. Thus, if a lecturer states at the outset that he does not want his lecture taped, then it is prohibited to tape the lecture. The lecturer may feel that he has not developed the subject matter sufficiently for it to be taped for permanent records. If the lecturer does not make such a condition, then if the lecture is taped there is authority that such tape may not be copied for others.

Regarding patents, the law of the land should be followed, as stated in a prior lesson. This is usually dispositive of the question of patent infringement. Halacha also recognizes that infringement is a tort that has remedies. There is theft of an idea and there is also confusion in the public mind regarding the article. The confusion may arise if the infringer palms off the infringing article as being made by the inventor and it may also damage the inventor's reputation if the infringement article is inferior to the infringed article. The infringer will have to pay to the inventor and/or patent holder a share in the cost of developing and registering

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of the article infringed. There will also be an injunction issued by Beit Din to cease the infringement; Beit Din can also assess money damages. The entire field of stealth of intellectual ideas in halacha is in a state of development, as it is in other fields of intellectual property and the rabbis and Beit Din of various communities are aware of the fast changes that are taking place in these areas. More often, the rabbis are aware of these changes and recognize that creative ideas must be protected and those who steal such ideas are robbers.

A minor, (a girl until the age of 12 years and a day and a boy until the age of 13 years and a day) is generally not liable to the victim for the value of the theft. If he is stealing intellectual property, he too must be given a cease and desist order by Beit Din and Beit Din should confiscate the infringing articles.

Next lesson IYH, penalties for stealing

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ParshaPix explanations

☞ Upper-left is the starting point, the scales representing JUSTICE. In this case, MISHPATIM. (So too, the bullets of these PP explanations.) In addition to the broad idea of justice, see what else can be found in the sedra (by yourself, your grand/children, Shabbat guests...) for which the scales of justice would be an appropriate representation

☞ The "fist" is referred to as one of the weapons that can injure or kill. Side point. The Torah word for fist is EGROF. That word is used in modern Hebrew for BOXING.

☞ An eye for an eye, literally, an eye UNDER (TACHAT) an eye, is depicted here as money under an eye, according to our Oral law and Tradition.

☞ The bull and the fire are two potential causes of damages - one of the many key topics of the sedra. We have the bull with horns, the tooth, the feet of the bull, the fire,

☞ and the pit (peach) representing the hole-in-the-ground meaning of the word

☞ The sneaking thief was caught in the cellar.

☞ The guard at his post represents
What is the pit filled with sometimes? 22133

the whole topic of the FOUR SHOMRIM

☞ The hands pulling the money out of the wallet are about to lend money at 0% interest

☞ Or, perhaps, they are about to offer a bribe. Which will blind the judge receiving it...

☞ as in the image of the blindfolded head

☞ The Three Regalim, Pesach, Shavuot, and Sukkot, are pictorially represented.

☞ The witch on the broomstick stands for the 3-word pasuk which requires Sanhedrin to rid society of witches (just a representation - there are many differences between the broom-flying image of a witch from fiction and what the Torah means by KISHUF and M'CHASHEIFA).

☞ The Har Sinai pix for Shavuot also corresponds to the end of Mishpatim where the events of Matan Torah are presented with other details not presented in Yitro.

☞ The quill and scroll is for Moshe writing down "all of G-d's words"

☞ There is milk & meat for LO T'VASHEIL G'DI...

☞ The TZIR'A (wasp) that G-d will send into the Land to help slowly drive out some of the nations there. The Torah indicates that it

will not be a snap-of-the-finger kind of miracle, but a slow, natural-like process.

☞ The cloud is covering Har Sinai (end of the sedra).

☞ The tooth is referred to in the mitzvot related to injuring an EVED K'NAANI and being required to free him. It is also one of the forms of damages. Also, there is a tooth for a tooth. This is a good example of the type of Pix you can question a youngster at the Shabbat table and then ask older kids or guests for other explanations.

☞ The knitting reminds us of the prohibitions of Shabbat, as commanded with a positive mitzva in Mishpatim. In other words, not just "DO NOT KNIT" (which is part of the prohibition of "all Melacha" from Yitro), but forgo your knitting in honor of the Shabbat and G-d's commands. Remember, the Torah command to "rest on the Shabbat" does not mean to take a nap (that we learn from the verse in Yeshayahu declaring Shabbat an ONEG), but rather to abstain from MELACHA.

☞ There is a happy dog, happy to receive our TREIF meat, as expressly stated in Sh'mot 22:30.

☞ The mortar & pestle is for V'RAPO Y'RAPEI - our mandate from the Torah to be part of the healing and treatment process of sickness and injuries, and not to leave that only in G-d's hands. Meaning, we don't

say, it is G-d's will that this person is sick so we may not try to heal him, but rather we consider it that G-d has taken us in (limited) partnership with him in matters of medical treatment and healing.

☞ The Tzedaka box reminds us of the highest form of Tzedaka - namely, lending those in need of financial assistance - as commanded in the sedra.

☞ The Otzar HaAretz logo is for the mitzva to observe Sh'mita.

☞ There is a overloaded donkey which we are commanded to help unload.

☞ The cluster of grapes represents the mitzva of Bikurim.

☞ Below the grapes are three items that go together: G-d says that He will give Moshe the tablets of stone AND the Torah AND the mitzvot... (represented by a sefer)

☞ That leaves three Unexplaineds, one having to do with the upcoming month we will be announcing and blessing this Shabbat and the other two are mainly for the haftara, but there is a connection to the sedra as well. (Which isn't a surprise because the haftara is supposed to relate to the sedra.)

☞ And let's not forget the new MazalPic on page 2, inside the Word of the Month box. This one is not exactly straightforward, so good luck H(S)M and others.

Portion from the Portion IF A MAN SELLS HIS DAUGHTER

Not everyone in Jewish society had slaves and not everyone needs to sell themselves into slavery and yet the section of Mishpatim which discusses laws between man and man - BEIN ADAM L'CHAVEIRO begins with two of the less common and seemingly less significant mitzvot - that of the Hebrew slave (21:2-6) and the Hebrew maidservant (21:7-11). Wouldn't it have made more sense to start with more universal and important laws like dealing with parents, lending money, or even borrowing?

Let us look at these laws and see if we can find an answer to this question. The Hebrew slave is a thief who could not afford to pay back what he stole. The Jewish laws relating to such a slave protect the dignity of the slave so much so that the Rabbis teach (Kiddushin 20a) - "one who acquired a slave acquired a master over himself."

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The laws of a Hebrew maidservant follow along these lines as well. Although we might not like the idea of a father selling his daughter into slavery - the case brought down in the Torah serves a purpose. It applies to a girl who was sold as a maidservant by her father because he had become absolutely destitute and had no means of supporting himself - let alone feeding his daughter and paying her dowry. In order to make sure that she would be properly taken care of in the future, the father sells his daughter while she is a minor with the provision - YI'UD - that the owner will marry her when she comes of age. This arrangement provides the opportunity for marriage to a girl who might not otherwise find a suitor. If after working for the master for the designated time she is not pleasing to the owner, he must let her be redeemed (bought out). The master is considered to have broken faith with her (since he didn't marry her) and therefore does not have the right to sell her to anyone else. If the master designates her as a bride for his son, she must be treated exactly the same as any other Jewish girl (meaning not like how we would think a slave girl would be treated). Similarly, if the master marries another wife, he may not diminish this wife's allowance, clothing or conjugal rights - SH'EIRA, K'SUTA, ONATA. If none of the above three (redemption, marriage, or marriage to the owner's son), the girl should be released at the time of the conclusion of her service without liability or payment to the master.

ABCDEFGHIJKLMNO P
IS COMING (TWICE)

Rav Hirsch explains that the laws relating to the Hebrew slave and maidservant actually set the tone for all of the laws between man and man. The underlying theme of these laws is that all people are created in G-D's image and must be treated accordingly. The Hebrew slave is a thief who could not afford to pay back what he stole. He must be treated properly. Verse (21:10) is the only place that the Torah speaks about the duties of a man towards his wife. When it wants to teach the MISHPAT HA-BANOT, the elementary rights of the daughters of its people, the example it uses is a woman from the lowest social grade - the child of a beggar who had to sell the shirt off his back and had to sell his daughter to slavery to save her from starvation. She can not be treated any differently than any other woman in Israel.

The cases brought here - of a thief and an extremely poor person are people who are generally disdained by society, but not in the eyes of Torah. The criminal and the child of extreme penury are placed at the head in the Torah's laws of human rights. If even these people must be treated with respect and dignity

imagine how we must treat the upstanding members of society.

IN MISHNA TORAH Hilchot Ishut (13:9-11), the Rambam elaborates on SH'EIR - how much food the husband is obligated to provide for his wife. He lists the minimum amount and then says that if the man is rich he should even prepare for his wife many types of meat dishes - so here is a recipe for meat. This marinade is fat-free and broiling can reduce the amount of cholesterol as well.

BROILED MEAT

1 cup dry red wine

1½ Tbsp. soy sauce

¼ tsp. oregano

¼ tsp. marjoram

⅛ tsp. pepper

1 kilo lean meat

Mix first 5 ingredients. Place meat in a plastic bag, pour marinade over, and seal bag. Chill 12 to 18 hours. Baste meat with marinade while broiling.

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for Fertility and Gynecology in Accordance with Halacha

New Trees, Old Trees – Proof of Maternity?

In our last column we saw the proof brought by Rabbi Binyamin Aryeh Weiss in the case of an ovarian (or possibly, uterus) transplant. He quoted the Gemara in Sota which states that a young tree which is grafted onto an older one is considered part of the host tree, and any fruit grown from its branches is not liable to the laws of Orla. He used this gemara as an analogy for an ovarian transplant, where an ovary is removed from one woman and grafted to another. In this case, too, the ovary becomes part of the recipient's body and any children born subsequently would be considered hers, and not the donor's.

Another Gemara, however, presents a similar but significantly different case. The Gemara in Menachot states that if one grafted a young tree onto an older tree - but there was already fruit on the young tree prior to the grafting - the fruit is liable to the laws of Orla and may not be eaten. Tosafot explains that in this case the laws of Orla already apply to the fruit, and therefore the fruit does not become

part of the host tree; the fact that the new tree is now located within the older tree does not change the status of the fruit.

In light of this we would have to re-examine our suggestion that ovarian transplant is analogous to the previous case of grafting a young tree to an older tree.

As we have noted previously, even before a girl is born her ovaries contain all the potential eggs that she will ever produce. Throughout her reproductive years, the ovary develops some of these cells to become fully mature eggs which have the potential to result in pregnancy and birth.

When an ovary is transplanted from one woman to another, there are eggs within; these eggs were not created in the body of the recipient. It would appear, then, that ovarian transplant is more similar to the case in Menachot - grafting a tree which already has fruit on it - rather than the case in Sota, where a sapling without fruit was grafted.

The question, then, must be asked - is the ovary to be compared to the tree, or to the fruit? *More on this next time.*

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NEW! EFRAT 3 Netzach Yerushalayim

Warning: Contains regular serious material in addition to the light TTriddles "stuff"

Last issue's (YITRO) TTriddles:

[1] If it's Tuesday, this must be ____

Belgium is the correct answer, based on the 1969 movie. But that would hardly make it TTriddle-worthy. So we look into Parshat Yitro and we find a strong focus on the third day, YOM HASH'LISHI. Therefore, in TTriddLand, if it's Tuesday, this must be Har Sinai. L'havdil.

Happy recent birthdays
DC and Goldie

[2] Son of Moshe with and without a NUN

One of the sons of Moshe was GEI-R'SHOM (the REISH has a SH'VA NA, not a SH'VA NACH that produced the common, but incorrect GER-SHOM). In the book of Sho-ftim (there it is again), we read of a Levi named Y'honatan ben Gei-r'shom ben Menashe. Menashe is made up of the letters of the name Moshe with a NUN added. So GEI-R'SHOM is the son of Moshe with or without a NUN.

[3] First mentioned in Yitro; explained in Esther

In Parshat Yitro, at the beginning of the account of Matan Torah, we are told that the people arrived at Midbar Sinai in the third month out of Egypt. In Megilat Esther, we are told that the decree of Mordechai was written and circulated in the third month, which is Sivan, on the 23rd of the month. This is Esther 8:9, which happens to be the only occurrence in Tanach of the name of the month SIVAN, and it happens also to be the longest pasuk in Tanach, with 43 words. It has the second longest word in Tanach, HA-ACHASHDARP'NIM. The longest is in Esther 9:3, V'HA-ACHASHDARP'NIM

[4] The Hebrew-English Sedra-Haftara common factor

The Hebrew word is from the sedra. It is KOL - voice or sound. It refers to Yitro's voice (meaning his suggestions), to the ever-increasing sound of the Shofar, to G-d's voice answering Moshe. It refers to the thunder that

the people heard AND SAW (perhaps) at Sinai. It even is part of the word SAKOL, as in the punishment for going onto Har Sinai during the period of Divine Revelation there. In the haftara we find the English word COAL, as in the glowing coal that an angel took in tongs and purified Yeshayahu's lips.

[5] Becherson, Dodavahuson, Zichrison, and a few from Ezra

We had a TTriddle about one of Moshe's sons - here's the other. ELIEZER was the name of Avraham's trusted servant and the name of the second son of Moshe Rabeinu. Divrei HaYamim records an Eliezer ben Becher (Becherson) who was a grandson of Binyamin ben Yaakov. Another Eliezer in DHY is ben Dodavahu, A prophet who rebukes Judean King Yehoshafat for allying himself with King Achazya of Israel. And another - ben Zichri, the chief of the tribe of Reuven in the time of David HaMelech. There are a few other Eliezers in Tanach, but without a father's name attached.

[6] YYChRChPK (Some monogram, eh?)

And that's without a middle or last initial. Just first names. These are the initials of Yitro's seven names: Yitro, Yeter, Chever, Re'u-el, Chovav, P'tu-el and Keini.

[7] The math question that had nothing to do with the sedra or anything else - actually, had to do with the age of a recent birthday girl.

What is the next term of this sequence? 2, 3, 5, 11, 31, 127, 709...

2 is the first prime number. Using the two, the 2nd prime is 3. The third prime is 5. The fifth prime is 11. The 11th prime is 31 (HBV). The 31st prime is 127. The 127th prime is 709. So the next term in the sequence is the 709th prime, which is 5381. BTW, the 5381st pasuk in the Torah is D'varim 18:2, about the Levi not having a portion in the Land of Israel. Relevance? None. KACHA ZEH!

MISHPATIM Adapted from
Unlocking the Torah Text
by **Rabbi Shmuel Goldin**

When the Torah Does Not Say What It Means

Context: Commenting on one of the most well-known legal passages in the Torah, the rabbis overrule the seemingly clear intent of the text. The Torah states, in its discussion of the laws of personal injury: "...And you shall award a life for a life, an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot, a burn for a burn, a wound for a wound, a bruise for a bruise."

The rabbis in the Talmud, however,

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maintain that the Torah never intended to mandate physical punishment in personal injury cases. Instead, they say, the text actually authorizes financial restitution. The oft-quoted phrase "an eye for an eye", for example, means that the perpetrator must pay the monetary value commensurate with the victim's injury.

All the other cases cited in these passages are to be understood similarly, in terms of financial compensation.

Questions: Why doesn't the Torah simply say what it means?

Over the ages, the "eye for an eye" formula has been cited by critics as proof of the vengeful, primitive nature of Mosaic law. If the Torah never meant to mandate physical punishment in cases of personal injury, why wasn't the text more clearly written?

A great deal of misunderstanding, misinterpretation and trouble could have been avoided had the Torah simply stated, "The court shall levy the appropriate compensatory payment in cases of personal injury."

Approaches:

A. An easily missed phrase in the Rambam's above-cited codification of the law provides a glimpse into the Torah's true intent:

"The Torah's statement 'As a man shall inflict a wound upon a person, so shall be inflicted upon him' does not mean that we should physically injure the perpetrator, but that the perpetrator is deserving of losing his limb and must therefore pay financial restitution."

Apparently the Rambam believes, as do many other scholars who echo the same sentiment, that the Torah confronts a serious dilemma as it moves to convey

its deeply nuanced approach to cases of personal injury: using the tools at its disposal, how can Jewish law best reflect the discrepancy between "deserved" and "actual" punishment?

The gravity of the crime is such that, on a theoretical level, on the level of "deserved punishment," the case belongs squarely in the realm of *dinei nefashot* (capital law). The perpetrator truly merits physical loss of limb in return for the damage inflicted upon his victim. Torah law, however, will not consider physical mutilation as a possible punishment for a crime. The penalty must therefore be commuted into financial terms.

Had the Torah, however, mandated financial payment from the outset, the full gravity of the crime would not have been conveyed. The event would have been consigned to the realm of *dinei mamonot* (monetary crimes), and the precious nature of human life and limb would have been diminished.

The Torah therefore proceeds to express, with delicate balance, both theory and practice within the law. First, the written text records the "deserved punishment" without any mitigation: "...an eye for an eye, a tooth for a tooth..." In this way,

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the severity of the crime is immediately made clear to all. Then, however, the actual monetary punishment must also be conveyed, as well. Concerning this task, the Oral Law serves as the vehicle of transmission. The practical interpretation of the biblical passage - commuting the penalty into financial terms - is divinely revealed to Moshe. This interpretation is then preserved and applied in an unbroken transmission, from the time of Revelation onward.

Jewish law thus finds a way to memorialize both the "deserved" and the "actual" punishments within the halachic code.

B. A few sentences further in Parshat Mishpatim, an even more glaring example of the discrepancy between theory and practice in the realm of punishment emerges. In this case, however, both variables are recorded in the written text itself. As the Torah discusses the laws of a habitually violent animal, two conflicting consequences appear in the text for the very same crime.

The Torah states that, under normal circumstances, if an individual's ox gores and kills another human being, the animal is put to death but the owner receives no further penalty. If, however, the animal has shown clear violent tendencies in the past - to the extent that the owner has been warned yet has failed to take appropriate precautions - the Torah emphatically proclaims, "...The ox shall be stoned and even its owner shall die."

The written text itself seems bewilderingly contradictory. On the one hand, the Torah clearly states that the owner of a violent animal "shall also die." Then, however, the text offers the condemned man an opportunity to escape his dire fate through the

payment of a financial penalty assessed by the court.

Once again our question can be answered by considering the distinction between "deserved" and "actual" punishment.

The Torah wants us to understand that, on a theoretical level, the owner of the ox deserves to die. His negligence has directly resulted in the loss of human life. On a practical level, however, this sentence cannot be carried out. Halacha only mandates capital or corporal punishment in cases of active crimes. Crimes of "uninvolvement", consisting of the failure to do something right, cannot carry such penalties in an earthly court. The owner who fails to guard his dangerous animal can only be fully punished through heavenly means.

Through carefully balancing the textual flow, the Torah manages to convey a complex, multilayered message of personal responsibility in a nuanced case of "uninvolvement." ❏

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Parsha Points to Ponder

MISHPATIM

1) Why is the transgression of kid-
napping placed between the commands
against hitting and cursing one's parents
(see 21:15-17)?

2) Why does the Torah teach that we
should throw the flesh of a dead animal
found in the field to a dog (see 22:30)?
(Rashi quotes the teaching of our Sages
that this rewards the dogs for not
causing trouble for the Jews on the
night they left Egypt, but this approach
cannot be simple p'shat since there is
no connection between that and the
flesh of the dead animal and it should
have said to throw it to the DOGS
(KLAVIM) in plural instead of the
singular KELEV.)

3) Why does the Torah use the double
language of OBSERVE and LISTEN TO
HIS VOICE when referring to the angel
which G-D will send to lead us (23:21)?

Parsha Points to Ponder

by **Rabbi Dov Lipman**

teacher at Reishit Yerushalayim and Machon
Maayan in Beit Shemesh; author of "DISCOVER:
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Answers are elsewhere in this issue:
ponder the Qs first...

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Parsha Points to Ponder

Suggested answers

- 1) The Vilna Gaon answers that this comes to teach that when a child is kidnapped and unknowingly hits or curses his biological parents, the kidnapper is held accountable for this sin.
- 2) Daa't Zekainim MiBaalei HaTosfot explain that the DOG referred to in this verse is the dog who was given the task to guard the flock from attacking wolves. In this scenario, a wolf has gotten through and killed one of the animals in the flock. Rather than expressing anger at the dog for failing, we are taught to acknowledge the good and feed him the meat of this dead animal since it has protected your flock in the past and may have even protected the other animals in this scenario.
- 3) The Ohr HaChayim teaches that OBSERVE refers to our keeping the negative commandments and LISTEN connotes following the positive commandments.

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continued from page 14

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This mitzva is the positive counterpart of the prohibition of melacha on Shabbat from Commandment #4. It gives a positive spin to the restrictions of Shabbat. As Dayan Grunfeld z"l puts it (in The Sabbath), we lay at the feet of G-d in homage to Him the Creator, the various gifts and skills He gave us for our workaday week. This partially explains the significance of the distinction between "abstain from" and "do not do".

Generally, the main motivation for not violating a prohibition is FEAR. Fear of G-d, fear of heaven (as it is often called), fear of sin, fear of punishment. The main motivation of doing a positive mitzva is AHAVA, Love of G-d, Love of Torah, etc.

We tremble at the thought of the seriousness of Chilul Shabbat. The punishment is very severe. But we also delight in obeying G-d when He asks (commands) us to abstain from the creative activities He endowed us with. (Okay, with which He endowed us.) It is this positive mitzva of "resting on Shabbat" that gives meaning to the concept of SHAMOR, keep and preserve Shabbat.

Swearing in the name of (and sometimes even just mentioning) a deity is forbidden [96,L14 23:13]. In the spirit of this mitzva, one should avoid popular interjections whose origins are associated with other religions - Gee!, Holy cow! Etc. We've got enough kosher interjections to use. Inciting others to idolatry (even

without worshiping) is forbidden [87,L15 23:13]. Chagiga offerings in the Mikdash are to be brought on each of the Three Festivals [88,A52 23:14]. Matzot are to be eaten during the 7 days of Pesach. It marks the Spring season during which we left Egypt. We must not appear empty-handed at the Beit HaMikdash (but rather bring specific Festival korbanot). Shavuot is the Festival of the First Harvest and Sukkot marks the final harvest at "the turn of the year". We are to go to Jerusalem for the Three Festivals. Korban Pesach may not be brought while we are in possession of Chametz [89,L115 23:18] nor may its fats be left over for the morning [90, L116 23:18]. Bikurim are to be brought to the Mikdash from Shavuot time and on [91,A125 23:19]; it is forbidden to cook meat with milk [92, L186 23:19].

This is the first of three times that the Torah commands LO T'VASHEIL... Rambam, Chinuch, and others consider this first time to be the prohibition of cooking meat in milk, regardless of who does or doesn't eat or benefit from it. The act of cooking itself is a Torah violation. The second time is considered the prohibition of mixtures of milk and meat that have been cooked. The third occurrence teaches us that the prohibition of eating includes all other benefits from the forbidden mixture.

Shishi - Sixth Aliya

6 p'sukim - 23:20-25

[P> 23:20 (6)] G-d will send an angel (a prophet?) to lead and protect the People upon our entrance into the Promised Land. We must heed his words so that our enemies will fall before us. We may not bow to idols, nor worship them, nor learn from the deeds of pagans; we must destroy their idols. We must serve G-d and He will bless us with wealth and health.

Sh'VII - Seventh Aliya 26 p'sukim - 23:26-24:18

[S> 23:26 (8)] G-d promises that we will live full satisfying lives and that our enemies will panic before us and will be driven out of the Land - not quickly, but slowly, so that the People of Israel may properly populate the Land.

SDT: *Wait a minute! Miracles, laws of nature turned upside down. Plagues. Splitting of the Sea. Manna. Water from this and that. MA PITOM that we will only take over the Land of Israel slowly? What about a couple of miracles to handle the problems? The answer is that miracles are nice, but we don't live by them. We get them when we need them. The purpose of going (coming) to Eretz Yisrael is to live a Torah life in the place it was made for; we have to do it naturally. This is the difference between the suspended animation experience of the Midbar and the down to earth, practical life in Eretz Yisrael. Flashy*

miracles give way to G-d's nature. The experience in the Midbar is like a baby's experience in the womb. Coming to Eretz Yisrael is like the birth of the Nation.

We may not make treaties with the 7 Nations nor with other idolaters [93,L48 23:32], nor shall we permit idolaters a foothold in the Land [94,L51 23:33], so that we will not be entrapped by them.

[P> 24:1 (11)] The sedra concludes with a description of Matan Torah, including the famous NAASEH V'NISHMA response of the People to the offer of a Torah way of Life. Some of the things described in this portion "confuse" commentaries as to when they exactly happened.

[S> 24:12 (7)] This final parsha of Mishpatim seems to be the immediate aftermath of Matan Torah - really a continuation of it. G-d tells Moshe that He will be giving him the Luchot AND the Torah AND the mitzvot. (If anyone you know thinks that all G-d gave us at Sinai was the "Big Ten", just show him the end of Mishpatim.) After six days of "cloud-cover", which prevented Moshe from ascending Har Sinai, he is then welcomed on the 7th day. He remains on the mountain for 40 days and 40 nights.

Matan Torah part one was in Yitro. Part two is the 40 days and nights that the full Torah is transmitted by G-d to Moshe. Part 3 followed when the

One should Shaatnez-test his garments

people were taught the Torah. That part three continues to this very day. And into tomorrow and all other tomorrows... forever.

Haftara 17 p'sukim Yirmiyahu 34:8-22, 33:25-26

A very unusual haftara for at least two reasons. Look at the perek:pasuk description of the haftara. After reading 15 p'sukim, we go BACK and finish with another 2 p'sukim. There are other haftarot with skipping, but none that finish with an earlier text.

Secondly, this "regular" haftara for Mishpatim is preempted often. 60% of the time, Mishpatim is Shabbat Parshat Sh'kalim and the Sh'kalim haftara is read. Another 5.8% of the time, Mishpatim is Rosh Chodesh (which also can happen with Mishpatim-Sh'kalim). Another 10+% of the time, Mishpatim is Machar Chodesh, with its special haftara. The regular haftara of Mishtim is read only 23.8% of the time. Although that means a little less often than once in four years, the distribution of the different year-types are not "neat" The last times we read the regular haftara of Mishpatim were 3 and 6 years ago, 5768 & 5765. And 10 years earlier - 5755 ('95). And before that - a year earlier. So far, only TT #93, #144, #654, #798 had the regular haftara. And now, TT #941 as well.

The sedra talks about proper treatment of Jewish servants (slaves) and Yirmiyahu decries the fact that the ruling class at his time reneged on their oath to free their Jewish slaves. In a more general sense, the sedra has many mitzvot that teach us sensitivity and proper treatment of the less fortunate in society. The haftara highlights a lack of that sensitivity and the punishment of destruction because of it.

The last two p'sukim allow us to end the haftara on a good note, with G-d's promise of Redemption, as sure as G-d created the world.

Holstein, Jersey, Ayrshire, Brown Swiss, Guernsey.

Torah Tidbits this 'n that

- Several TTreaders pointed out the GG (gimatriya goof) in last week's TT. We had YITRO with 606 plus 7 mitzvot of Bnei No'ach giving 613. But Yitro is 616. That little gimatriya "vort" was for the other famous convert, RUT. Her name does total 606.
- Of all TTreader feedback we receive, there are two "comments" that top the list.
- "What do I do with old Torah Tidbits?" Well, you can save them for future reference and posterity. Short of that, we have received a p'sak that Torah Tidbits that have been read require geniza. Unread TTs, such as leftovers in shuls, can be put in recycling and do not need geniza. This goes for all the Torah sheets.
- "Can't you put the ads in the back and not with text so that I am not tempted to read them on Shabbat?" For several reasons, the answer is NO. We suggest simply not reading the ads on Shabbat. Seeing them is not a problem.

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SHABBATON

We had a lovely Shabbaton on Shabbat Shira. Special thanks to our special Shabbat guest from whom we all learned much - Rabbi Yosef Wolicki.

Several new faces joined veteran Shabbatoners and it was a song-filled, wonderful Shabbat.

Speaking of Shabbatonim...

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 First hour: the **KUZARI**; Second hour on Chumash with Rashi

7:30pm **RABBI CHAIM EISEN'S SHIUR**

L'ayla Learning program for women • Chevrusa Learning, pairing women with strong backgrounds in Jewish texts with those looking to increase their skills and knowledge. Followed by a D'var Torah • No charge

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More Wednesday...

Synagogue Art Research and the OU Israel Center
 present the SECOND in a **Series of Six Lectures**

Faces and Places: Synagogue documentation in Central Europe and personal contacts that emerged

Speakers: **Rivka & Ben-Zion Dorfman**

January 26th, 2011 • 7:00pm at the Israel Center

Admission 10 NIS • Lecture in English

For more information, contact Liat Mahler at synartres@gmail.com or 052-734-6327

Yom Chamishi • 22 Shvat • THU January 27th

Exercise Class for Women Thursdays, 9:00-10:00am

Given by **DR TOVA GOLDFINE** Chiropractor/Rehabilitation
FOR WOMEN OF ALL AGES AND EXERCISE FITNESS LEVEL
 Contact Dr Tova 052-420-1201 chirodivine@gmail.com

9:00am **Rabbi Raymond Apple on T'hilim:**
 This week: Monday's Psalm of the Day (ch. 48)

10:30am (to 12:30) Midrash HaShavua - **Dr. Hayim Abramson**

various **MINI-SHIUR/DIVREI TORAH WHILE YOU FOLD**

GOOD NEWS - THE KNITTING GROUP IS ALIVE AND WELL
 THURSDAYS AT 1:30PM IN THE LIBRARY WITH DVORA ZIPPOR
 - NEW "MEMBERS" WELCOME - KNITTING OR CROCHETING

8:00pm **JOY CLUB - Rabbi Zelig Pliskin** (no charge)

Thursday, Jan. 27th • 8:00pm

"BEDEINI LEAKS" Unpublished Documentation:
 Foreign government payoffs to local groups that demonize Israel

Presenter: **David Bedein**, Investigative Reporter
www.IsraelBehindTheNews.com • Further Information: (02) 623-6368

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Yom Shishi • 23 Sh'vat • FRI January 28th

8:30am (to 9:45am) **Kollel Yom Shishi** shiur B'iyun in Makkot by HaRav Eliav Silverman, Shoel U'meishiv of the RIETS Israel Kollel Friday mornings • Coffee and cake will be served

9:00am **RABBI EISEN** Shiur on Aggada

11:00am **RCA Daf Yomi**

Shabbat Parshat MISHPATIM (m'vorchim) • January 29th

3:30pm Shiur by **Pinchas (Phil) Chernofsky**
Parsha's Plethora of Positives & Prohibitions

4:30pm **Mincha**

8:00pm **Motza'ei Shabbat ZFA program - open to the public**

The Zionist Freedom Alliance is proud to host the 3rd Annual
Student Conference of Revolutionary Zionism

On the 69th anniversary of Yair Stern's murder, ZFA is honoring his memory by appraising the progress of the Zionist Revolution and working to identify the goals to be achieved by today's activists.

Sun-Thu in the Ganachrow Beis Medrash (first floor)

10:00am	SUN/TUE/THU Rabbi Jeff Bienenfeld - Brachot - 4th perek
11:15am	RCA Daf Yomi by Rotation (and Fri. at 11:00am)
1:20pm	Mincha (this time stays the same throughout the year)
3:15pm	Basar b'Chalav - Rabbi Chaim Sendic Tu/W
4:30pm	Gemara Kesuvos with Rabbi Hillel Ruvell not TUE
5:30pm	Maariv following Rabbi Ruvell's shiur. Cheshvan, Kislev, Tevet, Sh'vat

Yom Rishon 25 Sh'vat • SUN January 30th

L'ayla Learning program for women • see purple center page

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More Sunday...

9:30am *Let's Study Megila* - **Tonia Frohwein** (for women)
New topic from now until Purim

10:30am 'While on my journey I told a story'... Rabbi Nachman's Stories
New series with **Golda Warhaftig** women

12:00pm **Hebrew for Beginners** Learn to read and converse in Hebrew Hebrew and feel more comfortable when you daven. **Starting anew**
Given by **Haya Graus** with **Cecily Davis** 10m per session

12:30pm **Life: A fantastic adventure** - Alan Romm

Sundays 1-2pm • **Dr Tova's Exercise Class**

Towards stronger bones and a stronger spine
Call or email Dr Tova: 052-420-1201 • chirodivine@gmail.com

2:00pm **Rabbi Ephraim Sprecher** (January 30th)
Why did G-d do a shotgun wedding at Mt. Sinai? (We had already said "I do")

5:20pm *Pri Chadash Women's Writing Workshop* (2 hrs)
Contact: Ruth Fogelman (628-7359) and Judy Caspi (054-569-0410)

7:30pm **Rabbi Chaim Eisen** - Ramban's Torah Commentary

7:30pm The Book of Nechemya - **Rabbi Mordechai Machlis**
No Charge
8:30pm Shiur by **Rabbi Dr. Joseph C. Klausner/Yedidyahu**
No Charge
on Sh'muel Alef • This week: Search for the Woman
(the story of Batsheva) in honor of the Eishet Chayil

TORAH VIDEO

regular
fee

Exploring Jewish Values and Concepts using
Trigger Videos, source sheets, discussion... with

Rabbi Nachum Amsel

8:00pm • This week: (Sunday, Jan. 30th)

**Getting Pregnant to Abort and
Using Stem Cells to Heal Sickness**

featuring a video clip from "Chicago Hope"

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Yom Sheini • 26 Sh'vat • MON January 31st

N'SHEI LIBRARY: 10:00-12:00

MOMMY & BABY MUSIC CLASSES with Jackie

Mondays at the Israel Center • 9:30am for 6-18 months • 10:30am for 1-3 year olds

Call Jackie to register for classes: 999-5524 / 054-533-9305

- 9:15am **EXCURSIONS INTO THE BOOK OF SHOFTIM** Pearl Borow
On her second yahrzeit, this shiur is dedicated to the blessed memory of Marion Betty Tomskey Toberman לע"נ מרים בת יעקב הירש ודבורה ע"ה
Sponsored by her children, Steven Toberman and Bonnie and Mickey Kamel
- 10:30am (to 12:00) • **“Who's Who & What's What”**
70 faces of the Chassidic world: Chassidic communities with small or no presence in Israel but with large or considerable following abroad. Chassidut Bluzhov, Nikolsburg, Novominsk, Pshevorsk, Tosh
Interactive lecture with pictures • **Gabriella Licsko** researcher
Rabbi Leff will resume IY"H on February 14th
- 11:35am **FIT FOREVER: LOOK & FEEL YOUR BEST!**
Exercise for women of all ages • Call Sura Faecher 993-2524
- 12:30pm Dr. Maurice E. Joseph Jewish Video Resource Center presents...
VIDEO in the LIBRARY: “To Conquer the Mountain or Die”
The Life of Menachem Begin - For years, the most hunted terrorist on the British 'wanted list'. For years, the most outcast political figure in the Jewish world. For years, silent about why he resigned as Prime Minister. He took the secret to his grave. This documentary tells the story of an extraordinary man and the most popular leader Israel has ever had. Menachem Begin's life was a life that mirrors the fortunes of the Jewish people itself. (1 hr)
Women's Beit Midrash resumes IY"H on Feb. 7 & 9
- 7:30pm **Lesser-studied Tanach personalities**
Rabbi Francis Nataf • This week: **ISHBOSHET**
(Special deal for both Rabbi Nataf's and Rabbi Assis's classes: 35/40₪)
- 8:30pm **Rabbi Dr. Elie Assis**, a senior lecturer of Tanach at Bar Ilan:
Book of Melachim (in Heb.) [Sam Finkel 052-469-1263, finkels2@zahav.net.il]

MASK - J'lem Chapter at the Israel Center • maskjerusalem.cjb.net • 050-754-2717

NEXT MEETING: **Monday, Feb. 7, 7:30-9:30pm** with **Dr. Judy Belsky**

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Yom Sh'lishi • 27 Sh'vat • TUE February 1st

The Israel Center and the **Old City Free Loan Association**

21st year • well over 5500 loans granted

Gemach - Free Loan Society

to provide interest-free loans for people in financial distress (living in the Jerusalem area).
Interviews at the Center on Tuesdays from 10:00-12:00 and 19:00-20:30 • Please bring ID

- 9:00am **Rabbi Aharon Adler** - Torat Eretz Yisrael
- 10:15am **Rabbi Sholom Gold** - Parshat HaShavua
- 11:20am **Esther Sutton's** inspirational series for women
ואהבת לרעך כמוך - *Exploring the Concept and Discovering Surprising Halachot Involved*
- 11:30am Jewish History, 2nd Temple Period - **Dr. Henry Goldblum**
- 12:30pm Dr. Maurice E. Joseph Jewish Video Resource Center presents...
VIDEO in the LIBRARY: “Flames of Revolt - the Story of the Irgun”
...describes the events which caused the British to vacate Palestine. Included are the stories of the rescue of thousands of Jews in immigration operations, the execution of Irgun fighters, the bombing of the King David Hotel, the breakout from Acre Prison, the hangings of British soldiers, the Altalena tragedy... (1:40)
- 1:00pm **Writing as self-discovery** (women only)
Exploring the stories of your life - Esther Sutton

3:00pm (Tuesdays) - NEW CLASS with **Avital Levin, LMSW**

Relationships in Tanach: Their Significance to Relationships of Today

Interactive course designed to engage students in the exploration and understanding of relationships in Tanach... selections from the classical and Chassidic Torah commentators... The educator, a trained social worker, will provide current clinical literature, insight, and guidance into our everyday modern relationships. Participants will be encouraged to introspect and reflect on their own personal experiences towards actualizing potential, increasing harmony, and fostering growth in relationships. FOR WOMEN • NO CHARGE

L'ayla Learning program for women • see purple center page

8:00pm VIDEO RERUN: **The Disputation** (excellent, powerful film - Phil)

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Yom R'vi'i • 28 Sh'vat • WED February 2nd

9:20am **Contemporary Halachic Issues** *Rabbi Macy Gordon*

9:45am **Parshat T'RUMA** with **Reuven Wolfeld**

10:45am **PARSHAT HASHAVUA R'** **Yosef Wolicki**

various **MINI-SHIUR/DIVREI TORAH WHILE YOU FOLD**

12:00pm WED, Feb. 2 • **Exploring Israeli culture, history and society:** Israeli religious groups and movements (Eda Haredit, Agudat Israel, Shas, Hardalim, Dati Leumi) connection to Zionism, the State of Israel and political activism. Interactive lectures with **Gabriella Liesko**

12:30pm Dr. Maurice E. Joseph Jewish Video Resource Center presents...
VIDEO in the LIBRARY:
Dr. Yakir Kaufman- "Improving Memory and Attention"

12:45pm **TAI CHI FOR HEALTH** with **Avi Hirsch**

1:30pm **MEDICAL CHI KONG** with **Avi Hirsch** 050-7671-722

Women's Beit Midrash Resumes IY"H next week

7:30pm **RABBI CHAIM EISEN'S SHIUR**

L'Ayla Learning program for women • see purple center page

Yom Chamishi • 29 Shvat • THU February 3rd

Exercise Class for Women Thursdays, 9:00-10:00am
See BackPage B for details

9:00am **NEW CLASS:**

Rabbi Raymond Apple on T'hilim

This week: **T'hilim 82 - The Song of Yom Sh'lishi**

10:30am (to 12:30) **Midrash HaShavua - Dr. Hayim Abramson**

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various **MINI-SHIUR/DIVREI TORAH WHILE YOU FOLD**

7:30pm **Video presentation in the Library**

In honor of the first day of Rosh Chodesh of the first Adar...

A Time for Music: HASC #6 (recorded January '93)
featuring **Shlomo Carlebach z"l, Mordechai Ben David** and others

Yom Shishi • Rosh Chodesh Adar Alef • FRI February 4th

8:30am (to 9:45am) **Kollel Yom Shishi** see previous Friday

9:00am **RABBI EISEN** Shiur on Aggada

11:00am **RCA Daf Yomi**

UPCOMINGS

Sunday, February 6th • 7:00pm • **Eli Greenspan** with
The most important nutritional discoveries of 2010

Monday, February 7th • 8:00pm

SILVER

from the Land of Israel

A new light on the Sabbath and Jewish Holidays from the writings of
Rabbi Abraham Isaac HaKohen Kook זצ"ל

by **Rabbi Chanan Morrison** Urim Publications

Note: See page 20 for an excerpt of Rabbi Morrison's earlier work
GOLD from the Land of Israel insights into Parshat HaShavua
from the writings of Rav Kook. These books and other Urim gems
will be available for purchase. No charge for this program.

Monday, February 14th • 8:00pm

"Israel and Iran - Whose side is Obama on (and why)?"
Dr. David Luchins, the Israel Center's record-setting guest speaker

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וְשִׁלְחֵנִי אֶת־הַצְרָעָה לְפָנֶיךָ וְגִרְשָׁה אֶת־הַחִוִּי אֶת־הַכְּנַעֲנִי וְאֶת־הַחִטִּי מִלְפָנֶיךָ:

I will send THE TZIR'A ahead of you, and they will drive out the Hivites, Canaanites and Hittites before you.

Living Torah has three possible meanings for TZIR'A: wasps, hornets, or some kind of plague.

There are more than 100,000 species of wasp... they are parasitic, making wasps critically important in natural control of other insects they parasitize... used in agricultural pest control as they prey mostly on pest insects and have little impact on crops... Some species inject a venom when they sting... Only females sting... Hornets are large, highly social members of the wasp family... A hornet's sting is painful to humans... some among the most venomous known insects. Allergic reactions, fatal in severe cases, can occur... wasps and hornets can sting multiple times; they do not die after stinging a human as is typical for a worker honey bee... Hornets can mobilize the entire nest to sting in defense, which is highly dangerous to humans.

Please join us at a

Dessert Reception

Celebrating 50 years of service to NCSY by

Rivkah & Rabbi Zev Leff

AND Vivian & David Luchins

**Sunday, February 20th • 8:00pm
at the OU Israel Center**

Special Guest Speaker: **Rabbi Berel Wein**

RSVP: trochel@017.net.il • (02) 560-9125