

O H R N E T

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PARSHA INSIGHTS

RIGHTS AND OBLIGATIONS

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

live in a city of kindness. In Jerusalem, if your daughter suddenly becomes engaged and you don't have a bottle of whisky to make the customary *l'chaim* with family and friends, don't worry, look in the phone book and call the *gemach!* (A *gemach* is a free loan organization.) You'll be able to borrow a bottle of Johnny Walker black label (could even be gold but I don't think they stretch to green or blue). Later on, just replace what you took. No charge. There are *gemachs* for everything under the sun.

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

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

Gemach is an acronym for *Gemilut Chassadim* – the bestowing of loving-kindness. In Judaism you are what you do. Kindness is not a spectator sport, being kind means *doing* kindness.

There is no word for charity in Hebrew. Look up the word for charity in the English/Hebrew dictionary and you'll find the word *tzedaka*. *Tzedaka* doesn't mean charity. It means righteousness. There's no such thing as a “Robin Goodfellow” in Jewish thought. We believe a person who gives charity doesn't deserve a slap on the back. Someone who *doesn't* give charity deserves a slap on the wrist.

If you look in the written Torah, you'll be hard pressed to find a single mention of the word “rights”. Obligations – of these, the Torah is full. Look at this week's Torah portion: obligations of a master to a slave; the obligations of a child to its parents; of a pupil to his teacher and vice versa; of a community to the poor; of the individual to the community; obligations to the orphaned, to the sick, to the convert; the obligations of man to G-d. Rights, however, are something that the Torah hardly mentions. Why?

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

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

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

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

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

“When you lend money to My people.”

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

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

Sources:

• Rashi; Rabbi Uziel Milevsky, *zatzal*

PARSHA OVERVIEW

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

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

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

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

ISRAEL Forever

A COVER FOR COVET

Now that the elections for the 16th Knesset are over and the major political parties are taking stock of what happened, it is safe to comment on the election campaign without being suspected of favoring any single party over others.

The amazing feature of this campaign was that despite the serious security and economic problems facing the nation, the major issue on the minds of most voters was the alleged corruption of candidates for office in the course of their party primary elections. The Mapai Party, predecessor of today's Labor, lost the monopoly of power it had enjoyed during the first three decades of the State because of the exposed corruption of some of its top people. The genie of corruption came out of its bottle once again and had a marked impact on the results of this week's elections.

Political corruption is clearly as old as politics. It is an inherent disease of human society for which this week's Torah chapter offers a cure with the opening words, "And these are the laws you shall set before them." This chapter, Parshat Mishpatim, follows the one in which our ancestors heard the

Ten Commandments at Mount Sinai. Where that Decalogue ends with the commandment "You shall not covet... all that belongs to your neighbor", this week's chapter begins by spelling out how one avoids coveting what is not his. If one is not aware of or not bound by the Divine laws regarding property, point out our commentaries, he is likely to think that he has a right to what belongs to another. He will then covet it and try to appropriate it.

The failure of man-made laws which people obey only out of fear of enforcement has been adequately demonstrated by the political scandals which recently came to light. Corruption and dishonesty in its various forms pollute human society throughout the world. But the Jewish People are supposed to be a "light unto the nations," and the State they have been privileged to establish should set a standard of honesty for all mankind. Only by accepting "the laws you shall set before them" as G-d-given rules of conduct which must be obeyed because of more than fear of man will we guarantee that Israel will be a proper model for the world forever.

LOVE OF THE LAND - THE PEOPLE

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

UZIYAHU – THE FREED KING

In the Kidron Valley in East Jerusalem one can still see, right next to Yad Avshalom, the column remaining from the "Beit Hachofshet". This was the "House of Freedom" to which King Uziyahu was assigned after becoming a *metzora* as punishment for usurping the privilege of offering incense in the *Beit Hamikdash*



which was reserved for *kohanim*.

A *metzora* could not reside within the walls of Jerusalem, so his kingly duties were assumed by his son Yotam. Since the responsibilities of a king were so burdensome, his forced release from this burden was seen as a sort of "freedom" which became the title for his residence.

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THE GUARDED TONGUE

One of the 11 lofty standards of Torah observance which King David enumerated (*Tehillim 15:4*) as qualifying a man to dwell in G-d's sanctuary is his control of his tongue. Rabbi Simloï cites the patriarch Yaakov as the personification of this quality because of his hesitation to go along with his mother's plan for him to impersonate his older brother Eisav and thus dupe his blind father Yitzchak into bestowing upon him the blessings intended for the firstborn.

The Rashi commentary here (actually written by his son-in-law Rabbi Yehuda ben Nossan who took over from 19b after Rashi's passing) seems to focus on Yaakov's aversion to saying a lie, even though he was the one deserving of his father's blessings rather than his wicked brother who had earlier sold him his firstborn rights. He expressed his reluctance by telling his mother that he feared "lest my father touch me (and realize that I am not my hairy brother) and I be exposed in his eyes as a deceiver" (*Bereishet 27:12*) and consented to cooperate only after his mother assured him that she had a Divine directive to carry out this deception. Yaakov feared that his father's suspicion would compel him to actually say that he was Eisav, as he eventually did (*ibid. 27:19*), and therefore hesitated to do something which might cause him to deviate from the truth.

The commentaries in *Tehillim*, however, define the praise of David in regard to controlling the tongue from indulging in gossip which can harm another. In light of this perspective Maharsha here explains that Yaakov was afraid that if his father's touching of his hairless arms exposed the impersonation he would be compelled to defend his action by revealing to Yitzchak that Eisav was unworthy of receiving his blessings, both because of his evil ways which were unknown to his father and because he had sold his firstborn rights to his younger brother. Yaakov's reluctance to risk entering a situation in which he would be forced to say *lashon hara* qualified citing him as the personification of guarding one's tongue from speaking evil.

• *Maccot 24a*

THE IGNORANT JEW

Is it possible that a Jew can be ignorant of the most basic elements of Torah law? This hardly seems to be a question in an era of such widespread ignorance of Judaism. But it is a serious question which arises in our *gemara* and elsewhere in the Talmud.

A *chatat* sin-offering is required as atonement for a Jew who involuntarily enters the *Beit Hamikdash* or eats sacrifi-

cial flesh is a state of ritual impurity. This is limited, however, to one who had some initial awareness of impurity but did not realize his sin until after he had committed it. This initial awareness, says the Sage Rebbie, need not consist of more than having once learned in school that contact with a contaminating agent renders one impure, even though he fails to make this connection at the time of contact and actually realize that he is impure. One who lacks even such an initial awareness is exempt from bringing this sacrifice.

To the challenge of Rabbi Pappa as to how it is possible that any Jew should fall into the *mishna's* category of never having learned in school such an elementary matter, the Sage Abaye responded that this could happen in the case of a Jewish child taken captive by gentiles and raised by them without the opportunity to learn Torah.

A similar question arises in *Mesechta Shabbat (68a)*. The Sages Rav and Shmuel discuss a case in which a Jew has repeatedly violated the Sabbath laws because he had no awareness of the existence of such laws. Upon becoming aware of his Sabbath responsibilities he is obligated to offer only one *chatat* for all of his numerous violations. How is it possible that a Jew could be so completely ignorant of the Sabbath? Once again comes the answer that he was a child taken into captivity. But there, in contrast to our *gemara*, a second possibility is raised of a gentile who converted to Judaism but continued to dwell among gentiles.

This second possibility is rather remote because, as Tosefot points out, the conversion had to be conducted by a qualified rabbinical court. Perhaps the likelihood of a Jew thus converted remaining totally ignorant of the Sabbath is so remote that Abaye decided not to include it in his response.

• *Shavuot 5a*

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PARSHA Q&A?

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

PARSHA Q&A!

Answers to this Week's Questions!

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

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

KADDISH

From: Mark in Michigan

Dear Rabbi,

I am saying Kaddish for my mother and I had the following question. Why do we say in the Kaddish regarding G-d should be recognized as King both "bechayaychon —in your lives, and also "uveyomechon" — in your days? Aren't these words synonymous? Also, is there a difference in meaning between "ba'agalah" and "uv'zman kariv"? Thank you.

Dear Mark,

Firstly, please accept my condolences on the passing of your mother. May G-d console you and your entire family among the mourners of Zion and Jerusalem.

There is a difference in meaning between the words "chaim" and "yamim". Chaim is a reference to the entire life of someone, whereas yamim are the individual days of that life. We are acknowledging that not only are we responsible for making good use of our lives, but we are also supposed to use all the precious moments that each life is made up of.

Ba'agalah is a prayer that the redemption occur swiftly and not drawn-out, whereas uv'zman kariv is a plea that it be very soon.

It is fascinating to note that death is not mentioned in Kaddish at all. It is a prayer that centers around the Omnipotence of G-d, and reiterates G-d's complete mastery over the universe. It is designed to help the mourner put the terrible loss in perspective: if one can accept the fact that G-d "Was, Is, and will Always Be", it is then possible to accept the fact that there is a Greater Reason for what has happened, even if it is beyond our immediate understanding.

Kaddish is not mentioned in the Torah, rather it was first composed and introduced into the liturgy by the Men of the Great Assembly around two thousand years ago in Aramaic.

Kaddish is written with ten expressions of praise. Some of the early Gaonic commentaries (circa 1000 CE) correlate these ten expressions with the Ten Pronouncements with which G-d created the world. Accordingly, since Kaddish "parallels" the Ten Pronouncements of Creation, it also "parallels" the Ten Commandments at Mt. Sinai, since these two momentous occurrences are, spiritually, one and the same.

WHAT'S THE RIGHT THING TO DO?

REAL-LIFE QUESTIONS OF SOCIAL AND BUSINESS ETHICS

THE DEGREE OF DECEIVING

Question: I have recently entered the job market and have been preparing my curriculum vitae (CV) which all prospective employers demand before even considering an interview. I am confident that I can do a good job in the field for which I trained at school but all the firms demand experience. Is it ethical for me to "dress up" my CV to give the impression of more experience than I have really had?

Answer: Our Talmudic Sages (*Mesechta Bava Metzia 60a*) rule that it is forbidden for a seller to "dress up" for sale humans, animals or vessels in order to deceive the buyer as to the true condition of the item he is purchasing. Examples are easily provided for how one can paint an old vessel to make it look like new and how an animal or its meat can be given the appearance of better health and size. But how, asks the *gemara*, does one "dress up" a human for sale?

The answer given to this question sheds light on the question before us. A story is related about an old heathen who dyed his gray hair black and sold himself as a young slave to Rabbi Papa bar Shmuel. When the master once asked his new slave to fetch him some water the outraged fellow rinsed the dye from his head and beard to expose his grayness and indig-

nantly rejected this offensive order by exclaiming: "You see, I am older than your father!" Should a Jew wish to sell his slave to another and deceive him in regard to his age in such a fashion he is guilty of transgressing the Torah prohibition "Let not a man deceive his fellow" (*Vayikra 25:17*).

While selling slaves may not be relevant in modern society, selling ourselves as candidates for jobs is very relevant as indicated by the question before us. Our sages cite several examples of "dressing up" which is permissible and offer us a simple rule of thumb. When selling a new vessel there is nothing wrong with enhancing its beauty to increase its value. But when "dressing up" is done to conceal the used condition of an item being sold as new this constitutes deceit.

Applying this to preparing a CV every effort should be made to "accentuate the positive" by stressing whatever education or experience you have truly acquired. But don't try to "eliminate the negative" by lying or even exaggerating the degree of your experience. Aside from the sin involved there is also the practical danger that someday your deceit will be embarrassingly exposed and your "dressed up" gray hair may be showing.

THE HUMAN SIDE OF THE STORY

SPOTLIGHT ON AN ALUMNUS - RABBI YONA VOGEL

“The winner of the contest is... Yaakov Sholom Vogel!” Thunderous applause from thousands of youngsters and their parents gathered in a huge auditorium in the Kiryat Hayovel section of Jerusalem greeted the announcement. For Yona Vogel, the winner’s father, it was another glorious milestone in the long road he has been successfully traveling ever since he entered Ohr Somayach over a quarter of a century ago.

Yaakov Sholom was representing his school, the Sanhedrin Talmud Torah of Chinuch Atzmai in Har Nof, in the finals of the nationwide competition in *mishnayot* and *halacha* organized by the Degel Yerushalayim Torah Culture Foundation.

This seventh grader was one of the 29 finalists chosen from amongst the more than ten thousand who participated in the competition dedicated to the memory of Hagaon Rav Chaim Shmulevitz, *atzal*, longtime Rosh Hayeshiva of Yeshivat Mir in Yerushalayim. Paying tribute to this Torah giant and to the youngsters who were following in his path with their efforts to memorize significant portions of *Torah Shebal Peh* (Oral Law) were distinguished *roshei yeshiva*, rabbis and communal leaders.

The winner himself, who received a beautiful *Shas* (set of Talmud) as his prize, is following in the footsteps of his

father who began his Torah studies at Ohr Somayach in Yerushalayim, and continued in the branch of Givat Ada. After marrying a girl from a prominent Yerushalayim family he lived and learned for many years in the Ohr Somayach community in Zichron Yaakov. It was there that he developed his skills as a *sofer* (scribe) and in 1983 the Jewish Learning Exchange of Ohr Somayach published his “*Mishnas Sofrim*” translation of the *Mishna Berurah* laws of writing the Ashurit script used in *Sifrei Torah*, *tefillin* and *mezuzot*.

Not long after returning with his family to Yerushalayim, Yona established the “Machon Daniel” program offering learning opportunities for senior citizens and others who needed the unique structure of this program. (Alumnus Yitzchok Trattner is one of its outstanding teachers.) He has since organized a similar program in Beit Shemesh and, based on his experience in heading a Talmud Torah, has established a Yeshiva High School, “Lev Daniel”, in that city as well. In his Torah publication “MD Weekly,” Yona shares his Torah insights and those of his colleagues with the general public.

The entire Ohr Somayach Family wishes Mazal Tov to Yona and his family and to Yaakov Sholom for making Ohr Somayach proud of its “grandchildren”.

DID YOU KNOW THAT...

...Ohr Somayach’s highly successful program for those whose Day School backgrounds left them with a need for something more is called “Keshet” because it provides these searching youngsters with a “Connection” (Keshet) to the life values they are anxious to attain.

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