

שבת מברכים This Shabbat is the 143rd day (of 383); the 21st Shabbat (of 55) of 5765 שבת מברכים
...ואתנה לך את-לוחות האבן והתורה והמצוה... שמות כד"ב

Matan Torah - Second Look

Right after the account of Creation of the World in Parshat B'reishit, we find another presentation of the account of Creation. It is by no means merely a repeat of the first account; it allows us a different perspective on Creation in general and of human beings in particular.

So too do we find, shortly after the account of Maamad Har Sinai and Matan Torah, a second description, which offers us a different perspective on the events as significant to us as is Creation to the world (including us).

There are different suggestions as to why the account of Matan Torah is presented twice. One simple idea is that it becomes clear that all the laws and details of Mishpatim can be seen as part of Revelation at Sinai. This idea is supported by the VAV of VEILEH HAMISHPATIM, upon which Rashi comments that it comes to state: Just as the mitzvot of the Aseret HaDibrot were given at Sinai, so too were all of the mitzvot of Mishpatim.

Regardless of why, though, let us look at the "what" of this second description of Matan Torah.

First, let's just go back one notch. After the main mitzva-content of Mishpatim, the Torah tells us that we will be escorted into the Land that HaShem has prepared for us - Eretz Yisrael. Two more mitzvot are included for that experience.

Then the Torah takes us back to shortly before Matan Torah. G-d had told Moshe to ascend the mountain... This, says Rashi was on 4 Sivan. On that same day, Moshe told the people of G-d's commands concerning the restrictions during the days before Matan Torah, and reviewed with them the Seven Noahide laws, Shabbat, Honoring Parents, Para Aduma, and other topics that had been presented at Mara (Rashi quoting the Gemara). Moshe then wrote down the part of the Torah from B'reishit until Matan Torah, in addition to the mitzvot from Mara. A Mizbei'ach was

Word of the Month



A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

This Shabbat we bench Rosh Chodesh Adar Alef. In the time of Sanhedrin (past & future), the month is called ADAR and if the year is to be intercalated, then the following month is also called ADAR. The designation of ALEF & BET and RISHON & SHENI is a fixed calendar convention.



ראש חדש אדר ראשון
יהיה ביום רביעי וביום המשי
הבא עלינו ועל כל ישראל למוצה:
The molad is WED 4h 56m 4p (4:35am)
המולד יהיה ביום רביעי המשיש ושש דקות
וארבעה חלקים אחרי ארבע בבוקר.
In Rambam notation: ד' י'תתריב
The actual (astronomical) molad is
WED 9 FEB 00:28 (4 hrs. earlier)

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Candle Lighting and Havdala Times
Standard (Winter) Time

Correct for TT 654 • Rabbeinu Tam (l'm) - 6:34pm	
4:41pm	Jerusalem 5:55pm
5:00pm	Gush Katif 5:59pm
4:57pm	Raanana 5:56pm
4:57pm	Beit Shemesh 5:56pm
4:56pm	Netanya 5:56pm
4:58pm	Rehovot 5:56pm
4:37pm	Petach Tikva 5:56pm
4:56pm	Modi'in 5:56pm
4:58pm	Be'er Sheva 5:57pm
4:56pm	Gush Etzion 5:55pm
4:56pm	Ginot Shomron 5:55pm
4:41pm	Maale Adumim 5:54pm
4:48pm	Tzfat 5:53pm
4:57pm	K4 & Hevron 5:56pm

Ranges are THU-THU 24 Shvat - 1 Adar A (Feb 3-10)

Earliest Shacharit - 5:39-5:35am
Sunrise - 6:31-6:26am
Sof Z'man Sh'ma - 9:12-9:09am (8:26-8:24am)
Sof Z'man T'fila - 10:05-10:04am (9:35-9:33am)
Chatzot (halachic noon) - 11:53-11:53am
Mincha Gedola (earliest Mincha) - 12:23-12:24pm
Plag Mincha - 4:08-4:13pm
Sunset - 5:20-5:26pm (5:15-5:21½pm)

In the Wolinetz Family Shul
OHHEL SHMUEL (entrance floor)
Shabbat afternoon shiur 3:30pm
Rabbi Efraim Sprecher
Mincha 4:30pm
Motza'ei Shabbat, 8:30pm
Rabbi Yaakov Moshe Poupko

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built at the foot of Har Sinai. This was on the following morning (5 Sivan). He also erected 12 pillars - one for each Tribe. Firstborns from among the people (they had not yet lost their "kohein-like" status) offered bulls as Olah and Shlamim sacrifices. The blood from the korbanot was sprinkled, half on the Mizbei'ach and half over the people. The Book of the Covenant (as mentioned earlier, containing from B'reishit until Matan Torah and the mitzvot presented at Mara) was read to the people. That was when they (we) responded NAASEH V'MISHMA. Aharon, his sons, and the Elders accompanied Moshe (part way up the mountain?) where they had a holy "pre-Matan Torah" vision.

The Torah then skips to right after Matan Torah, when G-d asks Moshe to ascend the Mountain and remain there to receive the stone Luchot, the Torah, and the Mitzvot that I (G-d) have written to teach the people. When Moshe reached the top of Har Sinai, a cloud enveloped the Mountain. The cloud remained for six days, and on the seventh day G-d called to Moshe. Moshe was to remain there for 40 days and 40 nights.

Among other things, a very significant message from this second account of Matan Torah at the end of Mishpatim is to connect the Aseret HaDibrot with the rest of Torah and Mitzvot, and to connect the experience of Revelation at Sinai with the 40 days/nights that followed. All of Torah is from Sinai.

Mishpatim Stats

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

Written on 185 lines in a Sefer 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.

The large number of Parshiyot makes the sedra look larger (in number of lines) than it actually is (see rank for letters)

Mitzvot:

MISHPATIM has 53 mitzvot; 23 positive and 30 prohibitions. Only 3 sedras have more mitzvot.

Mishpatim has 8.65% of the Torah's mitzvot (1.85% is average); 48% of the mitzvot in Sh'mot



Aliya-by-Aliya Sedra Summary

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

[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.

When a mitzva is mentioned and no numbers are indicated, it means that the mitzva is counted elsewhere, but is still found in Mishpatim. This being the case, it makes Mishpatim even more mitzva-filled than its already high count indicates.

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 CANAANIT as a wife, she and any children he fathered remain the possessions of the master - they are halachically not his wife or children.

[By the way, if the SHIFCHA and/or the children are subsequently freed, they become Jews - unrelated to their "husband" or biological father, the former EVED IVRI. The process is analogous to conversion. 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; 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.

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 just 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.)

MITZVA WATCH

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. Please note that 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 tell 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 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)] A intentional murderer who flees to a city of refuge is forcibly returned to stand judgment.

[S> 21:15 (1)] Striking one's parents (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, and takes over when we've done all we can.

Levi - 2nd 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, namely, 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 the Torah and Judaism by being construed literally. Our Oral Tradition 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 acquires his freedom.

[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]**. We distinguish between damages that can, and therefore must be foreseen by the owner (for which he is held completely responsible), as opposed to an unexpected and unusual action by the animal that causes damage, for which the owner is held only partially responsible.

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 4-5 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. This is the very sensitive passage that deals with self-defense and preemptive action to protect oneself. The Torah presents both possibilities; it is the 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 (so to speak) and kill him first."

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% more than the principal.) If a thief is caught, he pays double **[54,A239 22:2]**, or 4-5 times in the case of livestock, as mentioned above.

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 - 3rd 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 another'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 are 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 for his watching, 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.

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

[P> 22:13 (2)] The fourth "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 of with words **[63,L252 22:20]** or in money matters **[64,L253 22:20]**. These rules vis a 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 spells this out vis a 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 lessons 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 wrong. Usury or loan-sharking is understood to be improper by most societies. Charging a "reasonable" amount of interest is universally accepted as okay. Except within the Jewish community. People might not always live up to G-d's expectations of us, but we are supposed to. This is our *raison d'être*.

R'vi'i - 4th Aliya - 9 p'sukim - 22:27-23:5

[S> 22:27 (4)] Do not curse judges **[69,L315 22:27]** nor The Judge (i.e. 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 - Truma, Maaser, etc. - nor confuse the order in which these gifts should be taken from produce **[72, L154 22:28]**.

Firstborn sons are to "be given to G-d" (i.e. redeemed, Pidyon HaBen). First-born 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 actually 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

How's that for an interesting collection of mitzvot to be contained within one parsha!

[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 of one is not sufficient to convict in a 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 less fortunate [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? Good. 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 BA'ALEI CHAYIM.

SDT *The 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 person 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 other.

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. Thank you addresses the BEIN ADAM L'CHAVEIRO aspect of what was done, and Tizkeh L'Mitzvot relates to the 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]. (This mitzva is the positive counterpart of the prohibition of melacha on Shabbat from Commandment #4. It gives a positive slant to the restrictions of Shabbat. As Dayan Grunfeld z"l puts it, 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".)

Swearing in the name of (and sometimes even just mentioning) a deity is forbidden [96,L14 23:13]. One should avoid popular interjections whose origins are associated with other religions - Gee!, Holy cow! Etc.

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 Temple (but rather bring specific Festival sacrifices). Shavuot is the Festival of the First Harvest and Sukkot marks the final harvest at "the turn of the year". We are expected to go to Jerusalem for the Three Festivals. The 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].

Shishi - 6th 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'vi'i - 7th 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*

problem? The answer is that miracles are nice, but we don't live by them. We get them when we need them. But if the purpose of going (coming) to Eretz Yisrael is to live a Torah life in the place it was made for, then 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.

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. (See Lead Tidbit)

[S> 24:12 (7)] This final parsha of Mishpatim seems to be the immediate aftermath of Matan Torah. G-d tells Moshe that He will be giving him the Luchot And the Torah and the mitzvot. 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.

The last 4 p'sukim are reread as Maftir.

Haftara - 21 p'sukim - Yeshayahu 6:1-7:6, 9:5-6

Parallel to the Torah's account of the awesome experience at Sinai, this passage from Yeshayahu describes his first awe-inspiring vision of angels proclaiming Kadosh, Kadosh, Kadosh. Both sedra and haftara present us with "visions" of G-d's awe, majesty, and holiness. Additionally, we sense some parallels between Moshe Rabeinu and Yeshayahu HaNavi.

Another common theme between sedra and haftara is the concept of holiness. In the sedra, G-d tells us that we will be to Him a kingdom of Kohanim and a holy nation. As Rabbi Jacobs points out in his "A Haftara Companion", it is important to remember the difference between the perfect holiness of angels and the Jews striving towards holiness, with their Free Will and imperfections.

He also points out that smoke is used to hide the Divine



THE JERUSALEM INSTITUTE OF JEWISH LAW

Rabbi Emanuel Quint, Dean

Lesson # 270 (part three) • Labor Law

Wages Rise or Fall in the Community

The employer hires employees to work for him as watchmen for \$5 an hour, which is the standard community wage for such a job. The average wages paid to watchmen in the community fall to \$4 an hour. The employer appears before his employees looking upset and the employees assuage the employer's feelings with words, but nothing is mentioned about a cut in wages. The employer must pay the employees the agreed-upon wage of \$5 an hour. Similarly if the average wages paid to

Presence from mortal eyes in both the sedra and the haftara.

P from page 3 PARSHA PIX

Upper-left is the hearing ear of VAYISHMA YITRO, and Yitro heard. You can ask and/or answer the famous question, what did he hear that brought him to Judaism.

B"H in upper right was said by Yitro when he heard all the things that G-d had done for Israel. From that we are taught that one makes a bracha on miracles. Who else said BARUCH HASHEM in the Torah?

The scales represent the justice system, Yitro's suggestions, Moshe's response, etc.

One of the outcomes of Yitro's advice was the assignment of "captains" of groups of 1000, 100, 50, and 10 - represented by the Roman numerals M,C,L,X.

When Bnei Yisrael arrived at Har Sinai, they displayed a unity that is captured by the word VAYICHAN, and as Rashi puts it, we were like one person with one heart. That's the graphic under the ear.

The Shofar is one of the symbols of the Sinai experience, as we more than mention on Rosh HaShana.

The washing machine is for the people to clean their clothes during the preparatory days for Matan Torah.

Wine cup is for Kiddush (ZACHOR) and the negation circle is for the prohibition of Melacha, including writing, watering plants, digging, sewing, building.

Do not steal (the Xed out thief) and do not go up to the Mizbei'ach with steps (the negated ladder) are two other prohibitions in the sedra.

The volcano represents Har Sinai all smoking from the fire of G-d's presence "upon" it.

The tongs are from the haftara. An angel flew to the Heavenly Mizbei'ach and picked up a glowing coal in a pair of tongs. He then touched the coal to Yeshayahu's lips, representing a purifying process that would allow the prophet to speak on behalf of G-d.

The MEM SOFIT, which is better called a "Closed" MEM, appears in the haftara in the middle of a word, rather than at the end, where we are used to seeing that kind of MEM. Not a bad idea to point it out to the Maftir in your shul before he reads the haftara, so he won't mistakenly read it as a SAMACH.

That leaves one additional graphic element as a visual Triddle. This one isn't going to be easy, but our more experienced solvers should give it a try.

watchmen in the community rise to \$6 and the watchmen appear upset and the employer assuages the employees with words, he need not pay them more than the \$5 an hour agreed upon at the outset.

However, if there are conversations held regarding the new average wages, whether higher or lower, and the one party tells the other party to continue working or they would continue to work, it is taken as an indication that the other party agreed to the change in the wage, although not specifically expressed.

The average wage for watchmen when the employer hires the employee is \$5 an hour, but they agree that the employee will receive \$4 an hour. The wages for watchmen in the community fall to \$4 an hour. The employer demands that the employee take a proportionate cut in wages. His plea is dismissed by Beth

Din. Similarly if the average wage rises to \$6 an hour, and the employee demands that his wages be raised proportionately, his plea is dismissed. However, if the wages to be paid were linked to the average wage, such as the employee is to be paid \$1 an hour more than the average wage, and the average wage rises or falls, then his wages rise or fall.

Early termination of employment

In the area of labor law, as in many other areas of the law, there are usually governmental laws and regulations, as well as local customs that will govern. Also there are many collective bargaining agreements between employers and unions and other large or small groupings of workers, or very often between an employer and just one or a few employees. Assuming these agreements do not contravene halacha, they will usually control the employer-employee relationship. There may, however, be employers who hire only a few employees who may not be governed by the laws of the land or by labor agreements that take in large groups of workers. Or they do not want to be governed by such laws and specifically want to be governed by halacha free of any laws or agreements. Not subject to any laws or formal agreements, the employer and the employee enter into an employment "understanding" for a day or for a longer period of time and one of the parties wishes to terminate the understanding prior to its completion. In these lessons, I use the term agreement to mean a formal arrangement, usually entered into by a kinyan or other formal method, or any other method recognized by the governmental authorities, and understanding to indicate a less formal arrangement between the parties, usually oral, and not spelling out all of the terms and conditions. Most of the laws were first developed when there were few, if any, skilled workers. Those who were skilled were generally independent contractors. Most of the workers were farm workers hired on a day-to-day basis to plow, plant, irrigate, or harvest crops. Most such workers were paid a trifle above the acceptable minimum wage; the minimum wage was what an unemployed worker, such as a watchman or delivery man, would accept if someone offered him work. Thus, very often the difference between the minimum wage and the agreed-upon wage was small, but this small amount very often also represented the difference between being able or not being able to buy food and clothing.

How long is the term of the understanding? May one side terminate the understanding without the approval of the other side, and if he does, what are the rights of the parties? Halacha sometimes makes distinctions as to when one side disappoints the other. The employee disappoints the employer when the employee resigns his position; the employer disappoints the employee when the employer fires the employee or otherwise terminates the employment sooner than expected. I have designated the party who reneges on his part of the understanding to be the "disappointing party" and the other person to be the "disappointed party." Did the disappointment occur before the work was supposed to commence, before the worker showed up at the place of employment, or after the worker had commenced to perform? Will the other party bear an irreparable loss as a result of the disappointment by the other party? Many of the laws are reciprocal regarding one party disappointing the other by not fulfilling the understanding between them.

The laws of the land governing labor relations will usually govern, such as to minimum wages, hours to be worked, retirement and pensions, vacations, health care, seniority, other

perks and any other matters known as labor relations.

There is a difference of opinion as to whether Halacha permits a person to enter into a formal agreement of employment, thereby implicitly waiving his rights under Torah law to leave his employment at any time. The accepted present view seems to be that an employee can enter into an employment agreement and it will be binding upon him. Such contracts or agreements are made binding by a kinyan being performed by the party who is to be bound, usually both the employee and employer. In the contracts between the employer and the employee, whether an individual or a large group in a geographic area, an industry, or certain types of workers or members of unions, the many other facets of labor relations will govern in addition to the laws of the land.

There are also times that the parties may bind themselves by an oath to carry out the terms of their understanding or by a handshake if that is a method recognized by the customs of the community to be the equivalent to an oath.

Coming next week: The Employee's Right to Terminate the Employment and more, on Early Termination of Employment

The subject matter of this lesson is more fully discussed in volume IX chapter 332-333 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefenpublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il

MEANING IN MITZVOT - Rabbi Asher Meir

Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh

Greeting Strangers

We learn in the Mishna that a person should be prompt to greet others: "Rebbe Matia ben Charash says, be first to greet [literally, say Shalom to] all people" (Avot 4:16). The reason for this is elaborated in the gemara in Berakhot (17a): "A pearl [valuable adage] in the mouth of Abaye: A person should always be sly in reverence, for 'A soft reply turns away wrath' (Mishlei 15:1), and increase peace among his brothers and his relatives and with every man, and even a stranger in the marketplace, so that he may be beloved on high and esteemed below, and should be accepted among human beings. It was said of Rabban Yochanan ben Zakai that no one ever preceded him in a greeting [of Shalom], even a stranger in the marketplace."

We see that the reason for trying to be the first to greet others is simply in order to be friendly to others and accepted among them. (A passage with a parallel message is found in Kiddushin 33a.)

The Shulchan Arukh brings an almost identical halakha, but with a very different message: "It is at all times forbidden to double a greeting [literally, Shalom] to a pagan. Therefore it is best to precede to greet him, so that the pagan won't precede him and obligate him to double the greeting" (SA YD 148:10).

(It seems that the custom in the time of the Mishna was that when greeted, a person would reply with a double greeting. This is similar to the custom in Yiddish, where when a person says "gut morgan" good morning, the standard reply is "gut morgan, gut yahr" good morning and a good year. See Derishah YD 148:6.)

Here it seems like greeting the stranger is in itself a negative thing. However, since delaying the greeting would obligate us to say an even more elaborate one, we compromise by being the first to say Shalom. This halakha is based on the gemara in Gittin (62a) which forbids doubling Shalom to a pagan, and relates that Rav Chisda used to precede saying Shalom; evidently this was in order to avoid having to double the greeting.

A number of Rishonim resolve this paradox by explaining that the gemara in Gittin is talking about a greeting which refers to Hashem. (This makes sense in the context of the passage there, which previously stated that we may encourage non-Jews in their agricultural work in the Sabbatical year, but only by directly urging them on without saying "Shalom" which is a name of Hashem.) Whereas the passage in Berachot refers to an ordinary polite greeting.

We should always be eager to show our desire for friendly relations with all people by being the first to greet them. We seek partnership with other nations in everything relating to creating an orderly and enlightened society. This was the custom of Rabban Yochanan ben Zakkai who was always the first to greet others.

However, when the greeting has religious overtones, we need to be more careful. It is not possible for us to establish a true religious partnership with members of other religions; at most we can relate to a certain foundational level of belief in God. In this case it would really be better to avoid any greeting with religious overtones. Even so, if we are confronted with such a greeting, we need to acknowledge the level of common belief that does exist, and would be obligated to reinforce it "to double Shalom". Therefore, the best course is to preempt such an "ecumenical" invitation with a simple non-committal greeting of Shalom.

Publication Update: Both volumes of the book have already been through page design, type-setting, and proof reading. It won't be long now, IY"H, that we will see it IN PRINT.

Rabbi Meir authors a popular weekly on-line Q&A column, "The Jewish Ethicist", which gives Jewish guidance on everyday ethical dilemmas in the workplace. The column is a joint project of the JCT Center for Business Ethics, Jerusalem College of Technology - Machon Lev; and Aish HaTorah. You can see the Jewish Ethicist, and submit your own Qs at www.jewishethicist.com or www.aish.com

TANACH

Spiritual and Ethical Issues in the Historical Books of Tanach; JOSHUA, JUDGES, SAMUEL, KINGS (Nevi'im Rishonim) by

Dr. Meir Tamari

The First Tish'a b'Av Melachim Bet 25

Tzidkiyahu, the last king of Israel, ascended the throne in Yerushalayim of his nephew Yehoyachin when the latter was exiled to Bavel, after reigning for only 3 months. His reign of 11 years saw the destruction not only of the puppet monarchy, but of Yerushalayim and the Beit HaMikdash at the hands of Nevuchadnetzar, king of Babylon.

Nevuchadnetzar came to Yerushalayim as a reaction to the revolt of Tzidkiyahu. It is difficult to understand this revolt and what made the king do it. After all, he knew that Nevuchadnetzar was the most powerful king in the Middle East and neither Egypt nor Assyria could be serious allies. His own

country had been impoverished by taxes levied on it in the previous king's reign, together with the exile to Bavel of the ruling class of the country, its intellectual and spiritual leadership and most of its skilled artisans.

There was no logical or reasonable political, military or economic justification for the revolt against Bavel. Shall we ascribe the revolt to royal stupidity, political miscalculation or egoism? Similar reasons have often, in world history, led to political and military phenomena. Our sources, however, attribute spiritual and religious reasons for this revolt, as they do for all events and acts. "For through the anger of the Lord it came to pass in Yerushalayim and Yehuda until He cast them out from His Presence, that Tzidkiyahu rebelled against the king of Babylon (Melachim Bet 24:20). Hashem put in his heart to rebel so that thereby His punishment of the exile could be fulfilled (Rashi). Hashem caused his heart to lead him to revolt, so that the king of Bavel should have an excuse to destroy everything (Radak)".

Our text tells us that Tzidkiyahu did evil, without presenting details of his sins, as was done usually in the case of the other evil kings. Moreover, in Divrei HaYamim Bet 36:12-13 we read, "In that he did not follow the words of G-d as spoken through Yirmiyahu and also revolted against Nevuchadnetzar to whom he had sworn in G-d's name, [an oath of subservience]". Hashem in His Mercy sends us warnings and signs; if we in our Free Will choose not to listen, we have to bear the results.

In accordance with this text we get a more complicated and involved summary of his wrong doing. From the prophet Yechezkel's words we see that his sin lay in not keeping his oath to the Babylonian king (Yechezkel 17:15-16). Since he had taken the oath in G-d's Name, the non-observance became a Chilul Hashem, and therefore Hashem was no longer bound by His promise to protect Israel. We remember that because of the enormity of this sin of Chilul Hashem that would result from not keeping their vow, Israel had kept their word to the Giv'onites even though it had been obtained through Giv'onite fraud (Yehoshua 9:18-19). Halakhically, non-fulfillment of promises in the market-place is considered to be a lack of faith in G-d. In the Talmud there are conflicting opinions of Tzidkiyahu: "He was perfect in his actions" (Horiyot 11b; Rashi "He was a Tzadik)." Whereas we read elsewhere that, "He did only one mitzva; that of releasing Yirmiyahu from prison" (Moed Katan 28b). Josephus Flavius considered the king to be noble and aristocratic, not given to anger; yet he gave rein to the people to do evil as they wished.

Be that as it may, in the 9th year of Tzidkiyahu's reign, Nevuchadnetzar laid siege to Yerushalayim; this was on Asara B'Tevet. The siege took a whole year with a short break when Pharaoh, as Israel's ally, tried unsuccessfully to attack Babylonian forces. Finally, on the 17th of Tammuz the Babylonians breached the walls and entered Yerushalayim. Tzidkiyahu fled in the night with his senior officers, towards the Arava to try to reach Trans-Jordan where many Jews had taken refuge during the first exile 11 years earlier. However, the Chaldean- Bavlite troops caught him in the plain of Jericho, north of Yam HaMelach, and took him prisoner to the Babylonian king who had set up his command post in Rivlat in Southern Syria. There, before the king and his nobles, Tzidkiyahu was tried, found guilty and sentenced for not keeping his oath of loyalty. They slew his sons in front of him, blinded him and then Nevuchadnetzar took him in chains of brass down to Babylon.

Yirmiyahu's whole book of prophecy was one of warning and

foretelling this end result of Israel's sinning. Indeed, his very name has become synonymous in the English language with the bearer of messages of doom and destruction. Despite his words, the people and their king seemed bent on their own destruction. They built alliances and coalitions with a ruined Egypt and a defeated Assyria to revolt against Babylon; even imprisoning Yirmiyahu in Yerushalayim for treachery, when he dared to point out the futility of their trying to reverse G-d's plan for a victorious Babylon.

They could not imagine that Hashem would destroy His own House and so relied blindly on the building to save them even though they had for years denuded it of any sanctity. They had turned what was supposed to become a House for G-d, one that they would fill with sanctity and holiness so that it would be filled with His Divine Presence, into a mere House of G-d, an edifice that technically went through ritualistic procedures. They arrogantly believed that the mere ritual of sacrifices and their prescribed appearances within its walls could outweigh their immorality and idolatry. After all, were they not G-d's Chosen People? Was that not their insurance against punishment and exile?

Despite the people's false belief in protection because of their Temple, its destruction loomed. A mere three weeks after Nevuchadnetzar had breached the walls of Yerushalayim, on the 7th of Av, the general Nevuzaradan, described in our text as The Butcher, acting for Nevuchadnetzar, started to destroy the Temple Mount. On Tish'a b'Av, the Temple was destroyed by fire which continued into the following day. In these three weeks, now marked as our 3 weeks of mourning, ein hameitzarim, we lost our national independence, our capital and our Bet Mikdash.

This is the 70th installment in Dr. Tamari's series on Tanach and its messages for our times

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[1] From the virtual desk of the OU **VEBBE REBBE**

The Orthodox Union - via its website - fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...

In honor of our parasha, which is full of monetary issues, including those discussed below, we share a question that arose in an informal din Torah that came before us.

Q: Reuven and Shimon traveled together. Reuven allowed Shimon to put valuables, which, Shimon is sure included a 50NIS bill, in one of the compartments of his backpack. Before getting on a bus, Shimon ripped the zipper while opening up the compartment but left his items inside. (Reuven was able to fix the zipper on the bus). When they reached their destination, Shimon found all of his items except the 50NIS bill. Suggested versions of what might have happened to the money include that Shimon did not put in the money or took it out, it fell out, or it was stolen. The two disagree only on interpretation of events, and do not accuse each other of lying. Is Reuven responsible to pay for losing the money?

A: A SHOMER CHINAM (an unpaid watchmen) is exempt when the object is lost or stolen but is liable if that occurred due to P'SHIYA (negligence). There are two main points of contention to clarify. [We had to omit other, smaller issues in this forum]. One is whether Reuven was a SHOMER or just a "carrier," a matter they had not discussed. The second is whether the money's disappearance was due to P'SHIYA after the zipper opened, as Shimon claims, or whether Reuven watched it reasonably. Only if both points are decided to Reuven's detriment will he have to pay.

Status as SHOMER - There is a dispute among Tana'im (mishna in Bava Kama 47b) whether when one allows his friend to put his animal in the former's pen without further stipulation, the former accepts responsibility for the animal or whether he just gives permission without accepting responsibility. The gemara (Bava Metzia 81b) suggests that this is a global MACHLOKET whether one who agrees to receive control over another's property becomes obligated as a SHOMER without explicit agreement to that status. It concludes that more local, psychological factors may explain the various positions in their specific context.

To skip to the bottom line of the halacha, Shulchan Aruch (Choshen Mishpat 291:2) rules that when the wording of the agreement is "plain", the one who ends up with the object does not receive the responsibilities of a SHOMER. However, he continues that if Levi agreed for Yehuda to place his shoes on Levi's donkey before Levi went alone to another city, then, since the shoes are in a precarious situation if not cared for, we presume that Levi accepted responsibility and did not only give permission to put the shoes on his donkey. Despite similarities to our case, the rationale of the Rosh, the source of this halacha, shows differences. Since our Shimon accompanies Reuven, Reuven likely intended that Shimon retain responsibility that his items not be lost, especially since, at the time he put them in the knapsack, it seemed unnecessary for Reuven to give them further thought. Although the situation became more complex when the zipper broke, the parties' accounts indicate that Reuven did not intend to accept a new status of SHOMER as a result.

Was there P'SHIYA? - Reuven is adamant that he was sufficiently careful under the circumstances that arose, whereas Shimon feels that he was apparently not. Ordinarily, a SHOMER has to take a Torah-level oath that he was not negligent and since we avoid oaths, this may be grounds for monetary compromise. However, in this case, neither friend accuses the other of lying, but sees the apparently borderline case differently. (Had there been clear P'SHIYA, Shimon would have taken back his items and/or checked earlier if they were still there, as he generally saw Reuven's actions during the time in question.) Regarding a doubt whether there was P'SHIYA, a

SHOMER is exempt from paying (see K'tzotz HaChoshen 340:4).

Based on indications (albeit not fully conclusive ones) on both issues, and certainly given the convergence of the two, there are not grounds to require Reuven to pay.

*Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this section or the entire Hemdat Yamim at www.ou.org or www.erezhemdah.org. And/or you can receive Hemdat Yamim by email weekly, by sending an email to info@erezhemdah.org with the message: *Subscribe/English (for the English version) or Subscribe/Hebrew (for the Hebrew version)*. Please leave the subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel*

[2] Candle by Day

How much more beauty a believing person sees in the world, in his realization that what he sees is INTENDED as beauty, and is not merely an accident of atoms.

- From A Candle by Day by Rabbi Shraga Silverstein

[3] CHIZUK and IDUD

(for Olim & not-yet-Olim respectively)

At the end of this week's sedra, God informs the Jewish people about their entry into the Land of Israel. He tells them that the nations inhabiting the land will be chased out gradually, so as to ensure that the land doesn't turn desolate as it becomes populated by the Jews. God then forbids the Jewish people to worship the idols that they will find in the land, and commands them to refrain from replicating the actions of its current inhabitants. A number of questions may be raised: Since all idol worship is prohibited, what is the significance of these additional warnings? And since this worship is so repugnant to God, one would have thought that the quicker these nations are removed from the land, the better! Why do it slowly?

In answer to the first question, the Or Hachaim Hakadosh explains that the Torah comes here to prohibit activities that are not actually idolatrous, but nevertheless part of the culture of an idolatrous society. The Netziv explains further that there was a special danger of following a system that had been in place and had worked for the inhabitants of the land which the Jews would now take over. After their victory, they might find it appropriate to imitate the local forms of worship, redirecting those activities towards God. The Torah comes to teach us that in the Land of Israel, no foreign influences should taint the purity of Jewish life.

And yet, God allows these people, corrupt as they may be, to remain until they are replaced by Jews behaving in accordance with the Torah, since desolation and abandonment of the Land of Israel create such an undesirable situation.

It appears that God does not allow a vacuum in the Land of Israel. Foreign inhabitants of the land are only removed as their place is filled by Jews. And those Jews should be populating the land with lives and a society that are built on authentic service to God.

Rabbi Shaya Karlinsky, Jerusalem

[4] MicroUlpan

How do you say FICTION in Hebrew?

Literature = ספרות

Fiction = ספֶּרֶת

without vowels, סיפורת

Science Fiction = ספֶּרֶת מִדְּע

What do you call the dish made of noodles, rice, vegetables, fruit, meat or cheese and whipped eggs that rises during baking to a delicate, fluffy consistency? SOUFFLÉ. In Hebrew?

T'FICHA

[5] A Touch of Wisdom, A Touch of Wit

R' Menachem David of Amshinov came to a rich man to persuade him to help a relative who was deeply in debt. The rich man turned him down. "What do I have to do with him?" he asked. "We are only distant relatives."

"Excuse me," R' Menachem-David asked, "Do you pray every day?"

"What? Do you think that I am not observant?"

"Well, if you do pray," R' Menachem David went on, "could you tell me how the Shemoneh Esrei prayer begins?"

The man bristled. "A school child can answer that", he said. "It begins with 'Hashem of Avraham, Hashem of Yitzchak and Hashem of Yaakov.'"

"Well, who are Avraham, Yitzchak and Yaakov?" persisted R' Menachem-David.

Now the man was really angry: "Those are obviously our forefathers!"

"When did our forefathers live?" went on R' Menachem-David.

"Thousands of years ago," said the man.

"Let's see now," said R' Menachem David. "They are extremely distant relatives of yours, yet you mention them three times a day and ask to benefit from their good deeds."

Shmuel Himelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and Wisdom and Wit" available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder

[6] Will the Real Adar Please Stand Up

משנכנס אדר (א') מרבין בשמחה ?

An important question. Even with MITZVA GEDOLA to be B'SIMCHA always, we still have to know in which months to increase our JOY.

Rav Yoel Schwartz in his ADAR UPU- RIM suggests that based on the statement in the Mishna Megila - the only difference between the first Adar and the second Adar is Megila Reading and the Four Parshiyot - it would seem that increasing our joy belongs in the first Adar as well as the one containing Purim. In fact, the existence of Purim Katan and Shushan Purim Katan in Adar Alef, even though they are extremely low key, indicates that Purim's joy belongs to both Adars.

Rav Schwartz does bring one opinion that MISHENICHNAS only goes for the first Adar.

Let us suggest that we be strict with ourselves and increase our joy in the first Adar as well.

Aside from the issue of increased joy, there are other reasons to decide which Adar is the "real" one. Bar/Bat Mitzva and L'havdil, yahrzeit are halachic issues in need of an answer.

The yahrzeit of a person who died in either of two Adars, is observed in the specific Adar when there are two, and in the one Adar in a 12-month year.

For the yahrzeit of a person who died in a regular Adar, there are different opinions and the Ashkenazi practice is to observe the yahrzeit in both Adars. This includes fasting twice IF that is one's custom and IF one is able enough to fast in both Adars. A Rav should be consulted for a personal P'sak - not the generic one here.

A boy who was born in a single Adar and reaches the age of mitzvot in a 2-Adar year, should not read the Torah for the kahal until the date in the second Adar, but probably has to be strict with T'filin, Nedarim, et al from the date in the first Adar.

More IY"H next week

[7] Divrei Menachem

Parshat Mishpatim is essentially a collection of commands (Mishpatim) in the realm of Mitzvot Bein Adam LeChavero - laws that relate to a Man and his fellow. On reflection, we might think that we could have deduced many of these through our own sense of right and wrong.

Thus when our parsha opens with the statement from Hashem to Moshe declaring: "And these are the ordinances that you shall place before them", we are instantly confronted with the question as to the degree of authority invested in the laws. So we need Rashi to step in, as it were, to instruct us that the word "And" binds these laws to the previous commands: Just as they were given at Sinai so were these.

Now our inclination would be to play down human reason: what matters is that we fulfill the will of G-d. Indeed, we declare daily: "You have taught us Torah and mitzvot, statutes and ordinances", whereby we band these "logical" Mishpatim with the unfathomable Chukim (statutes).

Nevertheless, G-d insisted that Moshe place the laws before the people, teaching their underlying principles so that they would better apply them according to circumstances (cf. Rashi). It seems then that the challenge in our rational age is how to observe the Mishpatim unconditionally, even when we claim to understand their rationale.

Shabbat Shalom, Menachem Persoff

SHEYIBANEH BEIT HAMIKDASH...

A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.

Sermons in Stone and a Conversation

Just because you've lived in the center of the universe - i.e. in Jerusalem - for over thirty years does not mean that you have

visited, are familiar with, or are even aware of all the ancient historical sites, even the famous ones which make the news. One of the most fascinating places in Jerusalem is the archeological excavations which uncovered the entire 488m length of the Kotel HaMa'aravi, the so-called "Western Wall Tunnels". The Kotel was not part of the actual Beit HaMikdash; it was a retaining wall of Har HaBayit, the "Temple Mount" upon which the Mikdash was constructed. Har HaBayit, originally built by Shlomo HaMelech, destroyed by the Babylonians, restored by Zerubavel and Sheshbatar under good King Cyrus of Persia, extended by the Chasmona'im, reached the height of its earthly glory in the days of Herod.

After Herod's renovations, Har HaBayit became the largest religious site in the entire ancient world, bar none, and this enormous project took decades to complete. In fact, the final embellishments were completed only a few short years before the Churban. To the east of the Kotel was "Kotel Drive", the main commercial street of Herodian Jerusalem. Lined with shops and other places of business, the Olei Regel could exchange foreign money for locally accepted coin, buy sacrificial animals and birds for Korbanot as well as other things required during their stay in Jerusalem. After the Six Day War teams of archeologists and volunteers from all over the world laboriously removed by hand thousands of tons of refuse which had accumulated on Kotel Drive since the Churban. Included in the rubble were stones from the upper courses of the Kotel bringing to mind the lament from Eicha, "...the sacred stones (of Bayit Rishon at the times of its destruction) were 'poured' all over the main streets..." One of the most spectacular finds was a stone with the engraved inscription "to the place of blowing". This recalls the Gemara which describes how a Kohein standing on the wall would blow a series of trumpet blasts as Shabbat approached.

Near the southern retaining wall further to the east, the remains of Robinson's Arch are visible. Most archeologists surmise that Robinson's Arch is a remnant of a bridge that once led from Har HaBayit to the adjacent residential areas located on the other side of Kotel Drive. Constructed as part of the extant eastern pier of the "Robinson overpass", are four well preserved shops. Below the protrusion jutting out of the wall is a scratched Pasuk from Yeshyahu 66:14, "And when you see this, your heart shall rejoice, and your bones shall flourish like young grass..." Some historians conjecture that an enthusiastic Jew etched this passage into the wall in the days of the Roman Emperor Julian. Christians call Julian the "Apostate" because he abandoned Christianity in 363ce. When the enthusiast heard of the emperor's announced intention to permit the Jews to rebuild the Beit HaMikdash, he was moved to cite Yeshyahu.

Behind the four shops is an even more spectacular find: a Mikveh dating from the time of the Mikdash. The Mishna in Shekalim 8:2 reads, "In Jerusalem, all vessels found on the side going down (Derech Yerida) to the Mikveh are impure, all vessels found on the side going up (Derech Aliya) are pure because the way leading down is not the same as the way leading up." The Mikveh behind the four shops has a wide stairway divided by a partition, "the way leading down is not the same as the way leading up".

There are two sealed gates in the southern wall, one double, and one triple. There are tunnels leading from these sealed entrances to Har HaBayit which pass under the Al Aqsa. The tunnels, constructed by Herod, until very recently, had decorations and embellishments which were carved by his workmen. Olei Regel passed under them on their way to the Mikdash. At the end of

the 19th century, French archeologists made copies of fabulous engravings on the ceiling. A good thing too; some 80 years ago, these treasures were covered with concrete. Subsequently, florescent lights and hanging wires were added. In almost perfect condition until want only destroyed, the engravings were a marvelous panoply of rosettes, stylized leaves, grapes, and geometric forms. As befitting Mikdash decorations, there were no animal or human forms. The desecrators covered the magnificent columns with stone slabs and the ancient Herodian floor with rugs.

When I recently entered the "Western Wall Tunnels", located on the western side of the enclosed area of the Kotel plaza, where the men daven, I saw a road dating back to the Bayit Sheini. I saw a pool and water conduit built by the Chasmona'im, walkways, rooms and storage chambers which were probably used by Kohanim, and a carved isolated stone weighing 570 tons. (A geologist told me that this particular stone was carved so as to reduce the effects of a possible earthquake, but I must confess that I did not understand his explanation.)

There in the tunnels, opposite the site of the Kodesh HaKodashim, I met an interesting woman. She was very intelligent and was educated in one of the finest universities in America. Articulate, intellectual and urbane, this Jewish woman proceeded to explain to me that all that I had seen and had written about had actually been built by the Umayyads, the early Muslim conquerors of Eretz Yisrael in the beginning of the seventh century. She explained to me that various academics, many of them Israeli, had "proved" that there were never Jewish temples built on Har HaBayit and that there never was a noticeable Jewish presence here. She concluded by giving me a whole lecture about the pernicious "invention of ancient Israel". So what was she doing here? She had come to noticeable Jewish presence here. She concluded by giving me a whole lecture about the pernicious "invention of ancient Israel". So what was she doing here? She had come to atone for the sins of the Jewish people by picking olives in Ramallah!

What can I say? There is none so blind as he (or she) who will not see.

Catriel's book in progress: The Temple of Jerusalem, A Pilgrims Prospective; A Guided Tour through the Temple and the Divine Service

Towards Better Davening and Torah Reading

Having written in last week's column that the PASHTA/KADMA business was relatively new to me, DL wrote:

• The Kadma/Pashta distinction was previously discussed in the 5764 Emor issue of TT (better davening section). Just thought I'd point it out.

What's remarkable about that - and a little embarrassing, is that I wrote that column, as well as all the TBDATR columns. So the topic should not have been "relatively new" to me. What I discovered, is that not only do students need to hear things more than once before it penetrates, so do teachers. I can only say that the first time I wrote about it, it just didn't sink in well enough. Maybe I've got it now.

DL adds...

BTW, the Tikun that was published by Koren has two slightly different symbols for these notes. The PASHTA is thick on top and thin on the bottom and the KADMA is thin on top and thick on the bottom.

Thanks DL for your email and interest.

• More than one reader has asked about a DAGESH in a letter at the beginning of a word, that letter not being one of BG"D KF"T.

Let's start to address this issue by backing up a bit, and looking at BG"D KF"T first.

We start with the basic rule: BG"D KF"T (BET, GIMEL, DALET, KAF, PEI, TAV - the letters that have two different sounds - or should have two different sounds - depending upon whether there is a DAGESH in the letter or not) at the beginning of a word get a DAGESH KAL. (We're not interested in the rest of the DAGESH KAL rules at the moment.) Next comes the major exception to that rule. If a word beginning with BG"D KF"T follows a word that ends with ALEF, HEI, VAV, or YUD, or a HEI/KAMATZ, CHAF SOFIT/KAMATZ, NUN SOFIT/KAMATZ, or TAV/KAMATZ (all four of which are the equivalent of having a silent HEI after them - even though the HEI isn't actually there). In these cases, the DAGESH KAL drops out of the BG"D KF"T in the first letter of the following word.

There are five exceptions to this, where the DAGESH stays. We are not really interested here in three of the five. (They are MAFSIK - if the previous word is followed by a pause and the BG"D KF"T word begins a new phrase, the DAGESH stays. MAPIK - when the HEI, VAV, or YUD at the end of the earlier word has a consonant also, then the DAGESH does not drop. OTIYOT DOMOT - when the BG"D KF"T word starts with two the same letters and the first has a SH'VA NA, the DAGESH stays - if the first letter is a prefix-type. B'SHIVTCHA B'VEITECHA.)

The two we are interested in are DACHIK - two words joined with a MAKAF (upper hyphen), the first word ends with a silent HEI and the letter before the HEI is vowelized by a PATACH, SEGOL, or KAMATZ (or a KAMATZ-ed letter equivalent, as mentioned above), then the DAGESH stays in the BG"D KF"T that starts the second word. That DAGESH is not a regular DAGESH KAL, but it is a DAGESH CHAZAL, and it will appear in letters other than BG"D KF"T - which begins to answer the original question. The angel that wrestled with Yaakov, ask MA-SH'MECHA, what is your name.

Notice the DAGESH in the SHIN - **מִיָּה שְׁמֵיךָ**

The other situation is called ATI MEIRACHIK. Two words, both MIL'EIL, first one ending in SEGOL-HEI or KAMATZ-HEI or KAMATZ and a virtual HEI. The DAGESH will not drop from the second word's first letter and the DAGESH will be CHAZAK. And it too can "happen" to letters other than BG"D KF"T. Here are some examples:

אֶרְצָה כְּנֹעַן וְעֵשִׂיתָ נְסִיחַ לְמִיָּה

There are exceptions to the exceptions. And there is also the DAGESH in the LAMED of LEIMOR... MTC

TTRIDDLES...

are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double

prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal

Last issue's (YITRO) TTriddles:

- [1] What else besides what's in 10?
- [2] Usually 5 on a Shabbat; this Shabbat - 6
- [3] Brit, Birthdays, Shavuot, dirty guy with torn clothes, Pesach
- [4] 747 + dove + hockey team
- [5] Describes part of the Sinai Experience, as well as a Plague Ender and an illness
- [6] Initial upper/lower mirror-image marks
- [7] plus one element from the ParshaPix

And the envelope, please...

- [1] Tricky, but someone got it. The TTriddle does not say "The 10", just 10. It was referring to the 10th commandment, not the whole Ten. LO TACHMOD, Thou shalt not covet. The phrase appears twice in #10. Your fellow's home, his wife... The phrase occurs only one other time, in D'varim 7:25, and it refers to silver and gold (that we might find in Eretz Yisrael during conquest.
- [2] In the course of a Shabbat, we say KADOSH, KADOSH, KADOSH... 5 times. Shacharit: first bracha before Sh'ma and in the Kedusha. Musaf: Kedusha. Mincha: U'VA L'TZIYON and Kedusha. On Shabbat Parshat Yitro we also read it in the haftara. 6 times.
- [3] Could have been worded more cleverly. VAI-HI BAYOM HASH'LISHI... And it came to pass on the third day... The phrase only occurs 6 times in Tanach. So it had to be a TTriddle. Brit of the people of Sh'chem, when they were weak... Paro's birthday, Matan Torah (Shavuot), after Shaul was killed in battle and someone arrived from the battlefield to report to David, one of the women before Shlomo HaMelech told that the

other had a baby on the third day after she (the teller) had given birth (this makes the Birthdays in the TTriddle plural), and Esther appeared before the king... it was on Pesach.

[4] A 747 has two wings. A dove has two wings. A hockey team has two wings. Angels are described in the haftara as having six wings, specifically 2+2+2.

[5] The sound of the Shofar at Har Sinai is described as CHAZAK ME'OD, very strong. So is the wind that removed the ARBEH (locust) from Egypt, and so is the illness of the son of the BAALAT HABAYIT (Melachim Alef 17).

[6] Several people got this one. The initial word of Aseret HaDibrot - ANOCHI - has a TIPCHA under it in TAAMEI HATACHTON and a PASHTA above it in TAAMEI HA-ELYON. These two TROP-notes are mirror images of each other.

[7] This is another ASERET HADIBROT TTriddle, specifically an UPPER/LOWER TROP-notes issue. The single pasuk with the four short commandments has slight differences in the two formats. The differences are 4 ט's instead of 4 ט's, and תְּרַצְוּ instead of תְּרַצְוּ. The differences are 4 dots and a |

This week's TTriddles:

- [1] Not only the product, but its holiday too
- [2] V1-2-3 • V3-1-2
- [3] The quick brown fox jumps over the lazy dog.
The rain in Spain falls mainly on the plain.
- [4] Egyptian, no money, slaughtered the ox
- [5] Before you... and before what?
- [6] ... 7/5 • 3/1 6/4 9/7 12/10 • 3/1 6/4 9/7
- [7] The connection between 2319 and 3426
- [8] plus 2 elements from the ParshaPix