



TAL

MISHPATIM 5775

THE COMMUNITY PARASHA SHEET

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Rabbi Jonathan Tawil



Shabbat Begins 16:53 Shabbat Ends 18:04

In this week's Parsha the Torah details a myriad of pecuniary laws, which include torts and damage law, as well as the laws of physical injury and impairment compensation. A nation that has just emerged from a brutal enslavement surely needs a strict code to discipline their freedom.

We would have expected that after Matan Torah, this weeks Parsha would begin, perhaps with an in depth mitzvah to do with belief in Hashem, or perhaps to do with Pesach. However, we are surprised to see that the first thing the Torah mentions is the Mitzvah of Eved Ivri – a Jewish slave.

"When you will acquire a Jewish servant, he shall serve six years and on the seventh he shall go free." (Exodus 16-1)

It is astounding. The Jews just spent the last 210 years as slaves. Why would they even entertain thoughts of taking servants? Of all the laws dictated to a newly liberated people, shouldn't the concepts of masters and servants be loath to them? Why are those laws given first?

Furthermore, Chazal tell us that this law of Eved Ivri was first mentioned to Moshe, when he first went to Pharaoh. (Vayetsavem el-beney Yisra'el ve'el Par'oh melech Mitsrayim lehotsi et-

beney-Yisra'el me'erets Mitsrayim 6:13). Hashem told Moshe that just as He was commanding Pharaoh to set free the Bnei Yisrael, similarly in the future there will come a time where the Bnei Yisrael will be commanded to set free an Eved Ivri once every Shemita (seven years) and Yovel (50 years). What is the connection? Surely, the mitzvah of freeing the Jewish slaves would not be enforced for the next 54 years (40 years in the wilderness and then for the 14

years in which it took to conquer and settle the land). What was so important that Hashem wished to convey us this Mitzvah at this particular time?

HaRav Nebenzahl Shlita explains that Hashem wished to convey us these important laws specifically now, when the Bnie Yisrael were in the midst of servitude. He wished

to give them the mitzvah, at a time when they felt how unpleasant, harsh and downtrodden it was to be a slave. When a person has just experienced an unfortunate occurrence, then he/she can relate to others that are experiencing the same occurrence. This allows them to connect and feel for them much more, and this is why Hashem gave them the mitzvah now, whilst the idea of slavery was still fresh in their minds. This idea reoccurs throughout the Torah, and in this weeks Parsha in particular. We are similarly told of the mitzvah not to oppress a Ger – newcomer, because you were strangers in the land of Egypt" (Exodus 22:20), again as a fresh reminder to their status and how we should remember how we felt to be a stranger in a foreign land.. David Hamelech states: Ashrie maskil el dal Tehilim (41:2) – happy is the clever one who considers the weak. Chazal derive from the word Maskil that we need to approach the poor with Sechel – intelligence. Each poor man or women is different, has different necessities and therefore should be approached differently. As the Torah states Et HaAni Imach – we must consider the poor man as one of us, we ourselves should put ourselves in their position, how would we feel? The Gaon, Elijah Chaim Maizel, of Lodz, would personally visit the homes of the

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wealthy people in his town and collect large sums of money for the poor. Once, during a very severe cold winter, the community needed additional money to purchase wood for the poor. Many families were practically without heat and were dangerously sick because of the lack of funds. The Rabbi undertook to personally visit the homes of the rich, he went to the wealthiest person in the town, Kalman and knocked on the door. The rich man answered and offered the Rabbi to come in. However, the Rabbi would not enter, he had some important matters to discuss with him and time was of the essence. The rich man waited while the rabbi began to discuss local politics as well as government affairs. Finally, the rich man couldn't contain himself any longer. Rabbi, he cried, please come into the house. I am shivering and I'll become deathly sick from this cold. But the Rabbi

would not budge. Now I will tell you the real reason for my visit, said the Gaon. Many poor families are also shivering from the cold, I came to you for a large donation to help the poor of our town. You name the amount and I'll give it, said the rich man, nearly turning blue from the cold.

Only after having tasted the shivering cold, could Kalmans entire attitude change, as only then did he fully realise the extent to which the poor were suffering.

The Chachmei Kabbalah write that before praying one should state that he accepts upon himself the mitzvah of VeAhavta LeReiAcha Kamocha – loving our neighbour like ourselves. Our prayers are not just for ourselves, on the contrary we find that the prayers are all mentioned in the plural, we pray for Refua shelema for all of Am Yisrael, for Geula for all our people.

Yet in order to connect and really feel what we are praying it is important to first state before we pray that we really do feel for our people, we really do love them, to the extent that we are one with them. When we pray RefaEnu, we feel for all those in hospital, when we state Teka Beshofar Gadol Lecherutenu we feel for all those of our nation imprisoned.

This is the message of the Parsha. We received the ten commandments with a great deal of noise, Shofar blasts, thunder, spiritual awakening, yet we must always relate to our previous situation as a nation in servitude, we must always feel for our fellow Jews in all types of situations, and as Chazal have promised us, those who join in times of sorrow (Mishtatef Betsar) will (Mishtatef BeSimcha) join in times of happiness.

“And these are the civil laws which you shall place before them” (21:1)

Our Parsha deals mainly with the civil laws between man and his fellow. Nachmanidies and Seforno both point out that the prefix “and” with which our Parsha commences indicates a connection to the previous Parsha, Parshat Yithro where we meet the Ten Commandments. The last five commandments deal with prohibitions between man and his fellow, including the prohibition not to covet anything belonging to the other. We must always remember that we are not selfishly alone, but live amongst other people who also have rights and we must grant them due respect! In this Parsha, we are given the guidelines of what indeed belongs to the other – Laws of transactions and acquisitions, of social and

personal responsibilities and liabilities, of damages, of penalties, and many other Torah laws pertaining to social welfare.

Rashi explains that the Torah wishes to inform us that although many of these laws are

“Come and see how great is man's dignity! For stealing and selling an ox the fine is fivefold, but for a sheep, since he suffered the embarrassment of carrying it over his shoulders he pays only fourfold.”

logical and would appropriately be incorporated into many judicial systems, we do not keep

them because of logic, but by virtue of the fact that they are Divine - “Just like these (the Ten Commandments) are from Sinai, so to are these (civil Torah laws) from Sinai”. We keep them as G-d given laws that He commanded us to follow.

R. Nathan Ordman z.t.l. points out that, on closer inspection, we find that the Torah's civil laws are in fact much deeper and different to the superficial logical laws to be found in a man made judicial system. “The civil laws of G-d are truth and kindness together” (Psalms 19). A thief who is caught having stolen must pay double. If he further continues to slaughter or sell the stolen animal, he must pay fivefold if the stolen

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animal was an ox, but only four times if it was a sheep. In the Talmud [Tractate Bava Kamma] R. Yochanan Ben Zakai explains the reason for this difference: "Come and see how great is man's dignity! For stealing and selling an ox the fine is fivefold, but for a sheep, since he suffered the embarrassment of carrying it over his shoulders he pays only fourfold." Even for the punishment of a thief, the Torah shows consideration of, and compassion for, the additional embarrassment suffered whilst carrying the sheep!

This is only an example, teaching us a lesson in general about how G-d exacts punishment. Everything is taken into account. If somebody unfortunately gets injured, the pain felt takes into account all side feelings, shame etc. that is encountered.

Also, G-d takes into account the suffering of all those close to the injured who see and hear of his suffering. For everybody involved the measure of suffering is precise and for the ultimate best of each and every individual given his stand. This precision is a physical impossibility in a man made system. If somebody commits a criminal offence worthy of imprisonment, no concessions are made for his poor innocent wife, children, relatives and friends. Even if some concessions are made, things can't be exactly worked out as truly just for everybody affected. Only G-d in His great wisdom knows what is truly best for each and every one of us, He knows the appropriate trials to be set for each of us. He helps us atone for those sins that can be pardoned for in this finite world to save us from eternal future suffer-

ing. G-d is aware of every single factor and in charge of every single being and only He can arrange a true all encompassing judicial system taking everything into account, such that it works out truly best for everybody involved in every situation in life.

We also see kindness and compassion incorporated into the judicial system. If we lend money to a very poor person, and we take his night garment as security, the Torah commands that it must be returned to him by sunfall, "as this is his only covering, with what will he sleep...". Similarly, if his only day garment is taken as a security, it must be returned to him by the morning. The Torah is interested in the truly correct yet moral way - this is true judgement. "The civil laws of G-d are truth and kindness together!"



1. In what context is a mezuzah mentioned in this week's parsha?

21:6 - If a Hebrew slave desires to remain enslaved, his owner brings him "to the doorpost mezuzah" to pierce his ear.

2. What special mitzvah does the Torah give to the master of a Hebrew maidservant?

21:8,9 - To marry her.

3. What is the penalty for wounding one's father or mother?

21:15 - Death by strangulation.

4. A intentionally hits B. As a result, B is close to death. Besides any monetary payments, what happens to A?

21:19 - He is put in jail until B recovers or dies.

5. What is the penalty for someone who tries to murder a particular person, but accidentally kills another person instead? Give two opinions.

21:23 -

(a) The murderer deserves the death penalty.

(b) The murderer is exempt from death but must compensate the heirs of his victim.

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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?

21:26 - Baby teeth, which grow back.

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?

21:35 - The full value of his own animal.

8. From where in this week's parsha can the importance of work be demonstrated?

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. What is meant by the words "If the sun shone on him"?

22:2 - If it's as clear as the sun that the thief has no intent to kill.

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?

22:8 - Double value of the object.

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The lion is in dire straits and he needs good advice in order to get out of it. The unfortunate fox crosses the lion's path, with no way of escape. "Tell me Mr. Fox", says the lion. "I hear you are very clever. I need you help to solve my problem." The fox realizes he is in big trouble now. He tells the lion, "It is true that I am very smart and I can help you. But you know, my wisdom is in my heart and I happened to have left it in my cave this morning in my hurry to leave. If you will permit me to quickly scamper back to my home, just momentarily, I will gladly get my heart and then help you." A clever fox indeed.

The Ben Ish Chai tells a story of a pious woman who was on the

way to Shul, when she was stopped by one of the towns lazy men.

"Where are you running to", laughed the man. "To daven in Shul", she answered. "But where is your siddur? Shouldn't you run back home and get it?" "My Siddur is deep within me, as I daven from my heart" replied the women.

She faced the man and said "I see you have your siddur, but you should run back home and get your heart, just like the fox!" she

said.

"Can you do me a favour and run to my house and get my heart for me", asked the man? "I'd love to", said the women, "But I don't know where you put it." "Is it with your wife or is it in your factory? Is it on the ocean in a freight container? Is it in London? Is it in Paris? Only you know where it is, so you should go get it yourself!"

When going to Shul, says the Ben Ish Chai, your heart is most essential. Don't leave home without it!

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