

READING THE SIMPLE INTERPRETATION INTO

by Rabbi Yissocher Frand

Parshas Mishpatim

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These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: CD #845 Is Hunting A Jewish Sport? Good Shabbos!

A heretic once remarked to Rav Shimon Sofer (son of the Chasam Sofer) that the Torah is barbaric because it demands "an eye for an eye and a tooth for a tooth, a hand for a hand, and a foot for a foot." [Shemos 21:24]. Rav Sofer responded (based on Talmudic exegesis in Bava Kamma 84a) that the pasuk is not to be taken literally (e.g. -- that the attacker's hand should be cut off if he causes someone else to lose a hand) but rather it refers to monetary payment.

The heretic did not accept this response which he dismissed as "apologetics" added in later generations by the Rabbis of the Talmud and which does not take away from the fact that the Torah itself is barbaric. Rav Sofer insisted that the interpretation of monetary payment rather than literally taking of an eye, tooth, hand, and foot was not invented by the Rabbis but was what the pasuk literally intended to say.

He pointed out that whenever the Torah speaks of crime and punishment the crime is mentioned before the punishment. For example in the pasuk "A person who smites a person and he dies, that person shall surely be put to death" [Shemos 21:12] the crime of administering a death blow to a person is stated at the beginning of the pasuk and the punishment (he shall surely be put to death) is stated at the end of the pasuk. Likewise in "And if a man plot against his fellow man to stealthily kill him, (even) from My Altar you may take him to be put to death" [Shemos 21:14] the crime is stated first, followed by the punishment. So too in "And one who smites his father or mother, shall surely be put to death" [Shemos 21:15] -- we have crime followed by punishment.

Given this very consistent rule, if the Torah wished to tell us that for the crime of putting out someone's eye, a person should have his own eye taken out then the way the Torah should have written this would be "Tachas Ayin, Ayin" - If you took out someone's eye (crime), then your eye

should be taken out (punishment).

Given the Torah's pattern of "crime followed by punishment," we must interpret the pasuk as follows: "Ayin" (for the crime of taking out someone's eye), "Tachas Ayin" one must pay the "value of an eye" as punishment. "Yad" (for the crime of cutting off someone's hand), "Tachas Yad" one must pay "the value of the hand" as punishment. And so forth.

Rav Shimon Sofer insisted, not only is this interpretation not apologetics or "Rabbinics," it is absolutely the simplest way of explaining the pasuk (p'shuto shel Mikra). This is literally what the pasuk is trying to communicate.

"Es Ha'Ani Imach": The Poor Person's Money Is With You!

The pasuk says "If you lend money to my nation [Im Kesef Talveh es ami], (to) the poor amongst you, do not be an oppressive lender to him, do not charge him interest" [Shemos 22:24] According to the simple reading of this pasuk, "Im Kesef Talveh es ami" is a conditional clause which basically means "if you will lend money to your friend," implying that the Torah gives us the option of whether we lend money or not.

However, Rabbi Yishmael states in the Mechilta that this pasuk is an exception to the normal usage of the word 'im,' which is usually translated as 'if'. Here the word 'im' is translated according to the Mechilta as 'when'.

Even granting the interpretation of the Mechilta we can still ask why the Torah wrote the pasuk the way it did. Why did the Torah purposely use a word that 99% of the time means 'if' such that the phrase regarding lending money might be misinterpreted as an optional activity? The Or HaChaim HaKadosh provides a beautiful insight which addresses this question:

Sometimes the Almighty makes it very difficult for a person to earn his livelihood. The Master of the Universe gives people numerous challenges in life for a variety of reasons. Either He makes people suffer in this world so that they will have things better in the World To Come or for whatever reason it may be. Poverty is one of those things Hashem inflicts on people so that they may pay a penance, as necessary per the "Master Plan."

That explains poverty, but what about wealth? Why is it, asks the Or Hachaim haKadosh, that some people in this world merit fantastic wealth? Why - if G-d wants to reward people - doesn't he give them exactly as much as they need, so they will not have any problems or lacks in life? Why do some people have so much wealth that it is far more than they will ever need?

The Or Hachaim haKadosh answers that this too is part of the Almighty's 'Grand Plan.' Some people need to struggle for their livelihood. Some people need to suffer and can't make ends meet. For

whatever reason, G-d wants them to have that challenge. This poor person needs to pay the mortgage and he needs to put food on the table and has to keep his business running. So what is he supposed to do? Part of G-d's 'Grand Plan' is that He gives some people in this world 'extra money'. He makes them wealthy so that people who are in need will have an address to come to in order to make up their shortfall.

Is it pleasant to beg for money? No it is terribly unpleasant. It is sometimes humiliating, but that is part of the package that the Almighty decided for this person. This is part of the indignities he needs to suffer as part of his lot in this world. But there needs to be someone in the world who has the money to be able to sustain this poor individual.

Really, the extra money that I have should go to help this person who is down on his luck. It is really his money, except that the Almighty does not want him to have it so easily. Unfortunately, he wants him to need to suffer for it. The Almighty deposits the extra money with me so that it is available for the person who has to endure the challenges of poverty by coming to me to ask me for it.

This is the correct interpretation of this pasuk according to the Orach Chaim haKadosh. If a person is sitting there making money hand over fist, month after month, and he asks himself "Why do I have all this money? Why did G-d give me so much?" It is because "If the poor person comes to you - because you indeed have extra money - then you should know "es ha'Ani imach" - the money of the poor person is WITH YOU!"

Therefore, the Orach Chaim haKadosh continues, do not act towards the poor person as a 'noshe.' 'Noshe' literally means a creditor, but it also -- at least homiletically - can be seen as coming from the same root as 'Nesius' with the pasuk meaning "lo si'hiyeh lo k'noshe": "Don't lord it over him." Do not say to him "You are a schlemiel. I am so successful and you have to borrow from me!" No! Do not be like a prince (Nasi) to him, because in truth it is really his money. There is no reason to lord it over him because "es ha'Ani imach" - his money is really with you!

Abusing The Widow and The Orphan: A Tale of Two Incidents

I would like to relate two very interesting incidents relating to a pasuk in the parsha that I have spoken about many times in the past.

Parshas Mishpatim contains the biblical prohibition against inflicting pain on widows and orphans [Shemos 22:21]. The Torah warns: "For if you cause him pain and he cries out to me, I will hear his cry. And My wrath will be kindled and I will kill you by sword and your wives will become widows and your children will become orphans." [Shemos 22:22-23]

A person must be extremely careful when it comes to widows and orphans. The reason is that these

are people who are already in pain. The Almighty, as it were, has special affinity for people in pain. He identifies with them and will take revenge - as it were - against those responsible for afflicting them with additional pain.

The father of the Netziv (Rav Naftali Tzvi Yehudah Berlin) was a great Talmid Chochom, but he was not a Rosh Yeshiva. He was a successful businessman. He once returned from an extended business trip and brought his wife a beautiful crystal vase. She was thrilled with the gift and told the maid (who happened to be a widow) to put the new vase in the breakfront with all her silver. She specifically told her: "Be very careful with it; whatever you do, do not drop it. It is very expensive. I just got it and I love it. Do not drop it!"

Of course, when one tells someone 50 times "Do not drop it", inevitably the maid dropped the vase and it shattered. The Netziv's mother started yelling at her: "Look what you did. You are a schlemiel. I told you not to drop it!" The Netziv's father told his wife, "Please do not yell at her like that. If you have a problem with what happened, take her to a 'Din Torah.'"

The Netziv's mother said, "You're right." She told the maid, "Put on your coat right now, I am taking you to a 'Din Torah.' I am going to bring you to a Din Torah before the Rav of the community." So the maid put on her coat, the Netziv's mother put on her coat, and the Netziv's father put on his coat.

Mrs. Berlin told her husband, "That is okay. You do not need to come. I can argue in front of the Rav myself". The Netziv's father told his wife, "I am not coming to the Din Torah to argue for you, I am coming to argue for her (pointing to the maid). I am afraid she will be too intimidated to open her mouth in front of her mistress, so therefore I am going to support her, not you."

And that is what happened. He went to the Din Torah to act as the lawyer not for his wife but for her maid.

The second story was told to me by Rabbi Yoel Burstyn, who is the principal of the Beis Yakov in Los Angeles. When Rabbi Burstyn was a young student in Lakewood, he lived in an apartment complex. There was an older Jew who had been born in Kovno in his building. At the time of the story, this Jew was 81 years old.

The older Jew told Rabbi Burstyn that his family came from Kovno to this country and lived in Philadelphia. They were extremely poor. He did not even have car-fare to take the bus to school and had to walk two miles in all kinds of weather to get to school. His mother passed away when he was yet a young boy. He once went to shul to say kaddish on her Yahrtzeit.

A Jew approached him in shul and asked him (in Yiddish), "For who are you saying Kaddish?" The boy explained he had Yahrtzeit for his mother and was saying Kaddish. The man then asked him, "Oh, you have Yahrtzeit so where is the bottle of whiskey and cake (customarily served in some communities on the occasion of a Yahrtzeit)?" The poor boy was embarrassed to say he could not even afford car-fare, let alone whiskey and cake. The man told him, "A Yahrtzeit without whiskey and

cake? Feh! That is disgusting!"

The old man recalled to Rabbi Burstyn that when this incident occurred, he went home, ran to his bed and started crying uncontrollably. His father came in and asked him "Why are you crying?" The boy told his father what happened. The father told him not to worry, he met an uncouth person and he should just ignore what the man told him. The little boy said, "Tatty (father), I swear I will never step into a shul again the rest of my life!"

When this gentleman from Kovno told this story, crying, to Yoel Burstyn he was already 81 years old and he told him "I never went to shul again in my life. On my parents' Yahrtzeit, I would go into the kitchen and say Kaddish for my mother or my father, but I would not step foot into a shul!"

When the Jew who asked the young orphan where the whiskey and cake were will pass away and go before the High Court in the next world, he will be told, "There was a child in the world below who never went to shul for the rest of his long life because of you! The fact that you once told an orphan "Feh!" is being held against you for all eternity."

This is how careful one must be with orphans and widows. Their cries go directly to the Yeshiva Shel Ma'la. We do not want to suffer the consequences of the Almighty's wrath.

This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas Mishpatim are provided below:

CD# 043 Malpractice
CD# 086 Withholding Medical Treatment
CD# 134 Hashovas Aveida: Returning Lost Objects
CD# 181 Medicine, Shabbos, and the Non-Jew
CD# 227 Taking Medication on Shabbos
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CD# 757 Midvar Sheker Tirchak: True or False?

CD# 801 Oy! My Wallet Went Over Niagara Falls

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