

INSIGHTS

Into The Weekly Parsha

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27 SHEVAT

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

PARSHAS MISHPATIM

Kindness Optional?

When you will lend money to My people, to the poor person who is with you, do not act towards him as a creditor; do not burden him with interest (22:24).

In this week's *parsha*, the Torah discusses a few laws relating to lending money to another Jew; you cannot press him for repayment if you know he hasn't the wherewithal to pay you back; it is also prohibited to charge interest, etc.

The word the Torah uses in the *possuk* is "*im* – when." Rashi (ad loc) cites an enigmatic teaching from the Tanna R' Yishmael: "Every use of the word '*im*' in the Torah implies a voluntary act (the word '*im*' always means 'if'), except for three places in the Torah – this being one of those places."

That is to say that while the word "*im*" usually means "if" which implies that it is an optional act, here instead the word "*im*" means "when" because lending money is actually obligatory (see Rashi at the end of *Parshas Yisro*, 20:22 where Rashi shows that the Torah actually commands one to lend money). Obviously, this teaching begs the question; if the Torah actually meant "when" and not "if," then why not simply use the word "when"? Why should the Torah use a word that almost universally means "if"?

There is a fascinating discussion among the codifiers of Jewish law as to why certain opportunities to do *mitzvos* require a blessing (e.g. blowing a *shofar* or putting on *teffilin*, etc.) while other opportunities do not require a blessing (e.g. honoring one's parents, acts of charity, etc). According to Rashba

(*responsa* 1:18) there are no blessings made when there is another person involved because the completion of the act depends on another person. In other words, if one were to make a blessing recognizing Hashem's mandate to give charity, what happens when the intended recipient refuses or is unable to accept the gift? There is no certainty in completing the act when its completion is also dependent on another individual.

Another explanation given is that there is no *bracha* where it is a moral imperative and it is therefore done by both Jews and non-Jews. This is because in such a situation one is unable to say the words "*Asher Kideshanu* – that He sanctified us," which is a key component of blessings (*Aruch Hashulchan* YD 240:2). Maimonides (*Hilchos Brachos* 11:2) seems to say that we only make *brachos* on *mitzvos* that are between man and Hashem (*Bein Adom Lamokom*), thus exempting situations that included another person.

Perhaps we can explain this to mean that the reason we don't make a *bracha* when another person is involved is that we don't want to appear to be objectifying another person as an opportunity to fulfill a *mitzvah*. Imagine if someone is in a desperate situation and they approach you for help; how would that person feel if your first response was to make a blessing thanking Hashem for the opportunity to fulfill one of his



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commandments? The whole purpose of honoring one's parents, for example, is to show them appreciation for all that they have done. By making a blessing, one is introducing the element that the reason for honoring them is due to an obligation, not a personal desire to display gratitude. This would seriously impact the effectiveness of one's act as the parents would have a hard time sensing the appreciation behind the act.

The same is true when someone really needs one's help. A major component of the *mitzvos* of *Gemilus Chasadim* (acts of kindness) is to be God-like (*Sotah* 5a). A fundamental principal of Jewish philosophy is that our world, and system of reward and punishment, was built on a system that would not embarrass the recipients of Hashem's kindness (*Nahama Dekisufa*). By using the word that usually means "if," the Torah is teaching us a fundamental principal of helping others: Of course we **have** to lend money, but we should do it in a way that the recipient feels as if it is optional, and that helping them is something we **want** to do. Not something we **have** to do.

One and the Same

If he shall come alone, he shall go out alone. If he is a husband of a (free) woman, his wife shall go out with him (21:3).

The Torah here is discussing the laws of a Jewish servant - "Eved Ivri"; that is, one who is sold into servitude to settle debts he incurred when he stole from others. During the years of servitude his wife is supported by his master; when he is freed from service, the financial responsibility for his wife now leaves the master and once again is upon him.

Rashi (ad loc) points out that the Torah uses a very unusual word for describing someone as unmarried - "begapo." Rashi goes on to explain; "the word 'begapo' literally means coattail - that he came in as he is; single and unmarried, in his clothing, within the edge of his garment." This is a rather unusual way of saying "bachelor," what is significance of using this word?

The word bachelor was first used in the

1300's to describe young men (squires) that were beginning the path to knighthood. The word therefore implies someone young and without experience. In fact, even today it has some of the same implication; the first degree one achieves in college is referred to as a bachelor's degree. But the Torah uses a very specific term; what is the meaning of using the word coattails for bachelorhood?

At first glance, one might think that it simply refers to something that is also similar to the English language expression "he came with nothing but the shirt on his back." But Rashi is very specific that it is referring to the "edge" of the garment. What does this really mean?

In many Sephardic communities the

custom when getting married is that under the *chuppah* the groom wraps himself and his new wife in a *tallis*. The intended message is that they are now bonded as one and that his *tallis* wraps the two of them together as if they were now a single entity.

The Torah here, by using the word which means the edge of a garment, is describing what a marriage is. In a marriage, the edge of my garment no longer covers just me; it is covering my wife as well because we are now a single entity. If the edge of my garment only covers me then by definition I am unmarried. Therefore if the Jewish servant comes in with only himself at the edge of his garment - "begapo" - he must be unmarried.

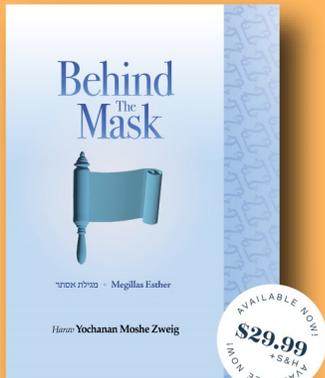
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