

SHABBAT LASHEM

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PARASHAT MISHPATIM | ISSUE 15

Aaron Wunsh | Boger Dvar Torah

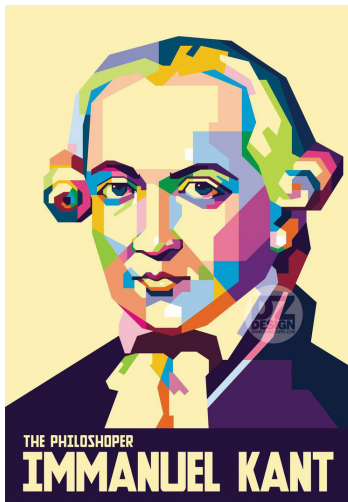
When I was 5, a friend and I began an expedition in my back garden to dig to China. We had finished watching an episode of Pokémon and got confused. My mother was less than pleased with our antics and told me that 'you can't just go digging up the garden!' I then began to wonder if there would be any situation which would permit me to do so.

It is interesting to note the differences between Jewish thought and philosophers of the past few centuries. Immanuel Kant, for example, discusses absolute duties – the idea that some actions remain constantly prohibited regardless of the situation. The concept of absolute duties also appears in Judaism. Kant would argue that lying would be wrong, not just some of the time, but all of the time.

Judaism, however, contains cases where we are lenient and 'break' absolute laws. For example, one can break Shabbat in order to save a life.

In this week's parasha, it says that 'You shall not take a bribe' (Shemot 23:8), and Rashi comments, 'do not take a bribe – even to judge truthfully'. He assumes that

this must be what the Torah is referring to because it will say later in Shoftim (16:19) 'Do not pervert justice' through bribery. The question arises – why can't one take a bribe to judge truthfully? Surely we should be doing all we can to improve our legal system, and therefore if bribes are used positively, then what is the problem?



The answer comes from the continuation of the pasuk, and Rashi explains that 'it will blind those who can see – even a Torah scholar...his vision will become dim'. We often believe that making one or two small exceptions to a rule is not such an issue – we justify our actions by saying that even though it wasn't necessarily the right thing to do, in this particular case it is different. In drawing a parallel

to Kant's categorical imperative, we see that an action is not just defined by the means, but also by the ends. As Rashi reads the pasuk we see the end effect of our actions are just as relevant to halacha. The 'ends' don't always justify the 'means'!

Reprinted from Shabbat Lashem, 5777.

Rav Aharon Herskovitz | Rav Shaliach

This week's parsha is the first to present a large concentration of mitzvot, with its 53 mitzvot being more than in the entire Torah until this point. As part of the commands in building not only a law-abiding, but a just society, we are commanded to not harm or denigrate the ger (Shemot 22:20): "And you shall not wrong a ger (stranger) and not oppress them, for you were gerim in the land of Egypt."

When discussing the second clause of this command "for you were gerim in the land of Egypt", certain commentators believe it to be a reason or justification for the command. For example, Rashi writes "If you were to wrong (insult) them, they too could say to you "You as well come from gerim", as we say "Do not insult your friend with a blemish that you yourself have."

"A strong hallmark of a mensch is how they treat those who are "lower" than them on various status indicators... This week's parsha puts much emphasis on how society treats those who are less advantaged."

The Ramban, however, understands the reason being given not from empathetic concerns, but quite differently:

והנכון בעיני כי יאמר, לא תונה גר ולא תלחצנו ותחשבו שאין לו מציל מידך, כי אתה ידעת שהייתם גרים בארץ מצרים וראיתי את הלחץ אשר מצרים לוחצים אתכם ועשיתי בהם נקמה, כי אני רואה דמעת העשוקים אשר אין להם מנחם ומייד עושקיהם כה, ואני מציל כל אדם מיד חזק ממנו וכן האלמנה והיתום לא תענו כי אשמע צעקתם, שכל אלה אינם בוטחים בנפשם, ועלי ביטחו:

And the correct thing in my eyes is that it says "Do not wrong a ger and do not oppress them" and think that no one will save them from your hand, for you know that you were gerim in the land of Egypt and I saw the oppression with which the Egyptians oppressed you, and I took vengeance on them, for I see the tears

of the downtrodden that have no comforter, and I provide them with strength, and I save all people from those more powerful than them. Additionally, do not torture the widow or orphan, for I shall hear their cry, for all these people cannot rely on themselves, and they rely on Me.

The Ramban is exhorting us to realise that current realities will not necessarily continue to exist. Even if there are certain gaps between people now in terms of status, wealth, and more, that does not mean that they will continue to exist. Just as Hashem in Egypt took what had been a situation that had prevailed for hundreds of years and flipped it on its head over a short time period, so too He can do so again. For those who have no one else to rely on, not even upon themselves, can rely on Hashem.

Growing up in North America and coming of age in Israel, I was constantly told to "be a mensch." Though the word is literally translated as "person" or "human", "mensch" usually refers to a person who has integrity and honour.

A strong hallmark of a mensch is how they treat those who are "lower" than them on various status indicators. How does someone treat a fellow student who has some level of social difficult and awkwardness? Do they laugh at them with friends, talking about them behind their backs, or do they act like a mensch, recognising their value as a person and trying to bring them in to the circle?

This is all the more true for how people treat others who would often be viewed as an

"other": those who are not part of our social, religious or national group, but with whom we interact on a daily basis. Are we respectful and friendly, recognising the spark of Hashem in every person, or do we treat them as if ככל העולם לא נברא אלא בשבילי, the whole world was created only for me, and all others must serve me, as my existence is more central and

treasured. This week's parsha, so focused on creating an ordered and just society, puts much emphasis on how society treats those who are less advantaged. Let us learn to "be a mensch" and work on how we treat them as well.

Shabbat Shalom

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Dvar Halacha: Weekly Question

Have a question? Please email rav@bauk.org or call Rav Aharon at 07976642135.

QUESTION: IS THERE AN OBLIGATION TO STAND FOR THE REPETITION OF THE SHEMONEH ESREI?

ANSWER: The Rama notes (124:4) an opinion that the congregation must stand for the repetition of the Shemoneh Esrei. The Mishna Berurah there (s"k 20) describes this as an custom with a long tradition, based off of the idea that the chazzan is fulfilling the obligation of those in attendance who are listening. Overall, the Mishna Berurah seems to indicate that one ought to follow this custom, though there exists an outright obligation only

when one is very close to the chazzan, within four amot.

The Aruch HaShulchan (124:9) and Kaf HaChaim (s"k 24) note that if one is not well and/or does not have the physical stamina necessary to stand, they may sit. In a scenario where your family's custom is to sit, it is important to note that both Rav Shlomo Zalman Auerbach and Rav Ovadya Yosef write that those whose custom is to sit have a solid basis in halacha, and I would encourage people to maintain a family minhag that could preserve feelings of unity within the family unit. Either way, one must ensure that sitting does not lead to talking, as there are serious issues with speaking during the repetition.



Pictured: Edgware Bnei Akiva - HaIrgun Activity

Community Updates

EDGWARE BNEI AKIVA had their Shabbat Ha'irgun this past week.

GEMMA DENBY, SGANIT EDGWARE wrote: The tzevet ran engaging tochniot, led a tuneful davening, and Friday night and Shabbat day meals were full of awesome ruach. The weekend ended with a fantastic roller blading party which was enjoyed by all!

Behatzlacha and Ye'asher Koach to BOREHAMWOOD BNEI AKIVA who have their Shabbat Ha'irgun this week.

Rabbi Aron White, Boger, visited Birmingham for an evening of learning with Bogrim.

Congratulations to YAM, Edgware Yeshurun on welcoming RAV AHARON, RAV SHALIACH as the minyan's new Rabbi. We wish the minyan continued success and growth.

Years 6 and 7 Machanot are now open (see flyer below). For more information contact hannah@bauk.org. Other Machanot will be opening over the course of the next few weeks.

RABBANIT SHIRA has started a number of new chavrutot for bogrot, in addition to the weekly bogrot Chabura. If you are interested in a Chavruta with RABBANIT SHIRA please contact rabbanit@bauk.org.

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