

Reward & Punishment: Why does it exist?



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Weekly Parsha

Mishpatim

RABBI BERNARD FOX

“If the stolen article is found in his possession whether a bull, a donkey, or a lamb [and it is] alive, he shall pay twofold.” (Shemot 22:3)

Everyone acknowledges that it is wrong to steal. However, what is stealing? Where should the line be

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GOD'S

LOVE FOR MANKIND

AS
EXPRESSED
IN

REWARD & PUNISHMENT

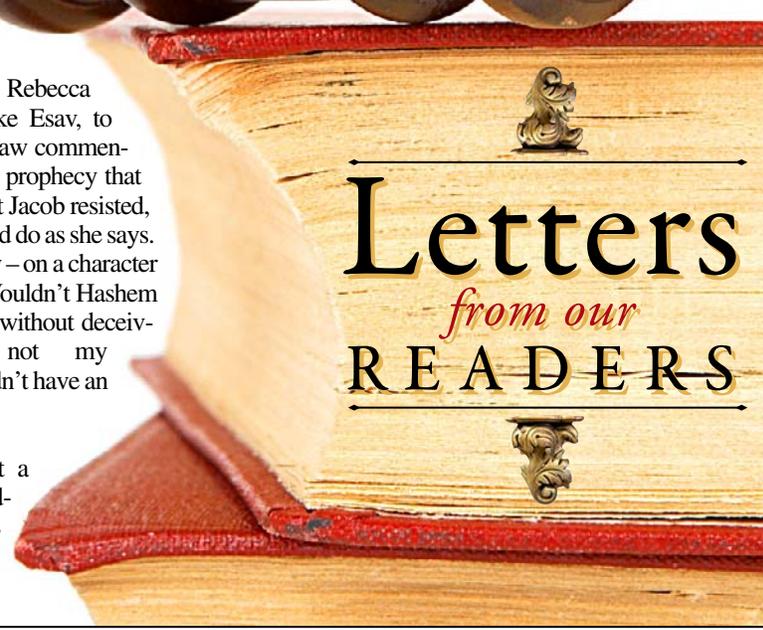
RABBI MOSHE BEN-CHAIM

Chaya: I had a question for you. Rebecca deceives Isaac by dressing Jacob like Esav, to insure Jacob receives the blessing. I saw commentaries on this that said Rebecca had a prophecy that this was how it was suppose to be; that Jacob resisted, but Rebecca told him to listen to her and do as she says. I still have a question. Why was it okay – on a character level – for Rebecca to be deceitful? Wouldn't Hashem want all this to happen another way...without deceiving Isaac? It is actually not my question...someone asked me and I didn't have an answer.

Mesora: The Gemara states that a person may tell a lie for certain considerations, including Shalom Bayis (peace in the home). But here, not

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Letters
from our
READERS



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Weekly Parsha

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drawn between borrowing and stealing? If a person takes something from someone else as a harmless prank, is this stealing?

Parshat Mishpatim outlines many of the laws regulating liability for causing harm to a person or his property. Our passage describes the punishment for theft. In general, a person who steals must pay back to the victim twofold the value of the stolen object. In other words, in addition to making restitution, the thief must make a further payment equal to the value of the stolen object.

In his Mishne Torah, Maimonides explains that the Torah prohibits stealing any amount. Even if the stolen object is of minimal value, the commandment prohibiting stealing has been violated. Maimonides adds that it is prohibited to steal something as a prank. It is also prohibited to steal with the intent of later returning the object or making restitution. Maimonides explains that these latter activities are prohibited in order to assure that such behaviors do not become accepted.[1]

Maimonides seems to distinguish between the prototypical instance of stealing and stealing as a joke, or with the intent to return the object. By commenting that these latter activities are prohibited in order that a person should not habituate these behaviors, Maimonides seems to imply that these activities are not the primary subject of the commandment against stealing. However, they are nonetheless prohibited because they can develop into negative behaviors.

This is Lechem Mishne's understanding of Maimonides' position. He maintains that, according to Maimonides, the Torah does not prohibit a theft that is performed as a prank or with the intention of returning the object. These activities are prohibited by the Sages. In other words, the Sages extended the definition of theft to include these behaviors.[2]

Sefer HaChinuch disagrees with this ruling. He argues that the Torah does in fact prohibit a theft performed in jest or with the intention of returning the object.[3] Sefer HaChinuch generally follows Maimonides' position. Therefore, it is reasonable to assume that Sefer HaChinuch maintains that Maimonides would concur with this ruling. Maimonides' comments in his Sefer HaMitzvot seem to support this interpretation of his position.[4]

Sefer HaChinuch's interpretation of Maimonides' position presents two problems: First, in his Mishne Torah, Maimonides clearly seems to distinguish between the prototypical case of theft and a theft performed as a prank or with the intention to return the object. Second, Maimonides does state that these latter activities are prohibited because they may develop into habitual behaviors. According to Sefer HaChinuch, this statement seems – at best – superfluous. The activities are prohibited because they meet the Torah definition of stealing! Even if they would not lead to any further evil, they are completely prohibited!

In order to answer these questions, it will be helpful to consider the unusual ruling of the Sheetah Mekubetzet. Sheetah Mekubetzet argues that any theft performed with the intent of returning the object – unauthorized borrowing – is not included in the prohibition against theft.

However, if a person does not intend to return the object, the commandment against stealing has been violated. The person's motives for stealing are irrelevant. In other words, the Torah prohibits stealing as a prank or in order to annoy someone. In any instance in which the intention is to keep the object, the mitzvah is violated.[5] On the surface, this ruling is quite amazing. Stealing with the intention of returning is not even prohibited by the commandment against stealing! How is this

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Weekly Parsha

possible? We might be tempted to explain this odd ruling by proposing that the thief does not really intend to steal the object. He is just borrowing without permission. But, Sheetah Mekubetzet goes on to explain that a thief's intentions are irrelevant. One who steals as a prank or to create an annoyance does violate the commandment.

In order to understand Sheetah Mekubetzet's position, it is essential to distinguish between two ideas: the innate objective of an action and its purpose. The objective of an action is defined by the end result for which it is performed – the fundamental product of the activity. The purpose of an action is the reason for which this product is desired. Let us consider a simple example: The object of sewing is to create stitches. The stitches are the product of the activity. One may have various reasons for desiring these stitches. One's purpose may be to create embroidery. An alternative purpose may be to sew to pieces of cloth together. In both instances, the objective of the action is determined by its product. The objective is to create the stitches. However, the motive, or purpose, for creating these stitches differs.

It seems that according to Sheetah Mekubetzet, the mitzvah prohibiting stealing legislates against an activity whose objective is absolute seizure. Seizure is defined as an unqualified transfer of an object from the owner to the thief. But, if the thief intends to return the object to its rightful owner, the requirement of absolute seizure has not been met. Without absolute seizure, the commandment is not violated. However, once the objective of the theft is absolute seizure, the purpose, or motive, of the seizure is irrelevant. The thief may have no real interest in the object he has stolen. His intent may be to carry out a prank or to annoy the victim. Nonetheless, once absolute seizure has taken place, the mitzvah prohibiting theft has been violated.

This provides an important insight into Maimonides' position. As noted above, Maimonides seems to distinguish between the prototypical act of theft and theft performed as a prank or with the intention to return the object. How does a theft performed as a prank, or with the intention to return the object, differ from the prototypical case? Apparently, according to Maimonides, the prototypical case of theft has two fundamental qualities: First, the objective of the theft is absolute seizure of the object. Therefore, if the thief intends to return the object, the case is atypical. But, Maimonides adds a second quality: In the prototypical model the purpose of the theft must also be the absolute seizure of the object. Therefore, a theft performed as a jest is atypical. The thief may intend to keep the object. The purpose of this theft is not seizure. In other words, the prototypical case of theft exists when the objective of the activity is absolute seizure and this seizure is also the purpose for which the act is performed.

We can now easily understand and appreciate Lechem Mishne's interpretation of Maimonides.

According to Lechem Mishne, the Torah's definition of theft extends only to the prototypical case. The Torah commandment is violated only when the objective of the theft is absolute seizure and this seizure is also the purpose of the activity. The Sages extended the Torah's prohibition to the atypical cases in which either this objective or purpose is missing.

However, Sefer HaChinuch's interpretation of Maimonides' position remains difficult to understand. Sefer HaChinuch must acknowledge that Maimonides identifies two levels of theft. He clearly states that theft performed with the intent to return the object, or in jest, is prohibited in order to discourage habituation of such behaviors. Yet, Maimonides indicates that even in these atypical cases the theft is prohibited on a Torah level.

It seems that Maimonides maintains that there are two elements included in the mitzvah prohibiting stealing: First, the mitzvah prohibits a specific action. The specific action prohibited by the mitzvah is the prototypical model of theft. In this model, the objective and purpose of the action is the absolute seizure of the object. A theft performed in jest, or with the intent or returning the object, does not meet the requirements of this model. However, there is a second element of the mitzvah: The mitzvah has an objective. Its objective is to establish clear perimeters of ownership. Any theft – even if it is not the prototypical case – demonstrates disregard of the perimeters of ownership. Therefore, although the activity is not the action explicitly prohibited by the action, it is included in the prohibition of commandment. It contradicts the objective of the commandment.

An illustration will help clarify this formulation. We are all familiar with illegal file sharing. If a person purchases a music CD, copies it, and resells the copies, he has clearly violated the copyright on the CD. This is the specific action that the copyright law prohibits. But, assume that the person does not resell the copies. Instead, he lends his CD to various individuals and invites them to copy the music onto their hard-drives. This may not be the activity specifically prohibited by the copyright law, but there is no question that this activity undermines the objective of the law. The law is designed to protect the investment of the CD producer. Widespread distribution of the music files on the single

purchased CD undermines the objective of the law. Now, in this case, we might debate whether the CD purchaser should be responsible to respect the objective of the copyright law. But, we cannot deny that the purchaser's activities contradict this objective.

Sefer HaChinuch is suggesting that in the case of the mitzvah prohibiting theft, the objective of the mitzvah is definitely legally binding. Therefore, in addition to the specific act of theft prohibited by the mitzvah, atypical forms of theft that undermine or contradict the rights of the owner are also prohibited.

Let us close with a short review of the laws. According to most opinions, it is prohibited to take or steal an object with the intent to return it. There is some debate as to whether this behavior is prohibited by the Torah or by the Sages. But, the bottom line is that ownership rights must be respected. Taking an object without the authorization of the owner directly undermines and contradicts the rights of the owner. Therefore, the fact that the thief does not intend to keep the object is irrelevant.

Stealing in jest, or in order to annoy someone, is clearly prohibited. Again, there is some debate as to whether this activity is prohibited by the Torah or the Sages. But, this activity is an obvious denial of the owner's rights and is therefore prohibited. ■

[1] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Genayvah 2:2.

[2] Rav Avraham di Boton, Lechem Mishne, Hilchot Genayvah 2:1.

[3] Rav Aharon HaLeyve, Sefer HaChinuch, Mitzvah 224.

[4] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Sefer HaMitzvot, Mitzvat Lo Ta'aseh 244.

[5] Rav Betzalel Ashkenazi, Sheetah Mekubetzet, Commentary on Mesechet Baba Metzia 61b.

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Letters

only was Shalom Bayis an issue, but also, Rebecca saw that confronting Isaac with the facts that Esav was undeserving, would not be successful: perhaps Isaac would not accept that truth, or could not accept it, as it might destroy him. Remember, Isaac loved Esav, since Esav “deceived” him (see Rashi on “Tzayid b’piv”). Isaac was fooled by Esav’s cunning and subterfuge, which led Isaac to believe that Esav was righteous.

We learn that honesty may be avoided “temporarily” for a greater good: “permanent” honesty...that the true Ben Torah (Jacob) receives the Blessings of Avraham from Isaac. If however, at this point, Rebecca and Jacob upheld honesty, then the future of the Bnai Yisrael would be jeopardized with someone like Esav receiving the blessings. So the greater good must be our objective in life, not a temporal act of honesty, which leads to diasater. When the Torah teaches, “From a false matter distance [yourself]” we must interpret this to mean that it is the “ultimate good” which we must not lie about. So Rebecca was seeking to keep intact the ultimate good of establishing the Jewish nation. Therefore, her temporal lie was justified, and warranted. Similarly, to save one’s life, we must lie, since the ultimate good is “life”, where we may study more Torah and achieve greater love of God. So lying now to spare my life is truly in line with the “truth” God wishes for us.

Chaya: Yes, I need a little more...was Rebecca wrong to do what she did, but once she chose this way to secure the birthright, Hashem understood? It just seems to me that there had to be another way to secure the birthright. I mean, in Hashem’s blueprint for the world, did He plan that this is what Rebecca would do to secure the birthright? I am just not satisfied with the answer even though intellectually I understand it. Thanks.

Mesora: Rebecca was not wrong, for the reasons stated.

You wrote, “in Hashem’s blueprint for the world, did He plan that this is what Rebecca would do...” Your words indicate a philosophical outlook that God is directing each of our actions. But He doesn’t, as Moshe said to the people “And choose life”. (Deut. 30:19) This means that it is us who chooses our actions – not God – and Rebecca chose hers. God wants us to use our intelligence. That’s why we each have the faculties of reason, and free will. God doesn’t have a play-by-play blueprint for our individual actions: if we are to be righteous or wicked. He allows man to make free choices at any point in life. So God allowed Rebecca to choose an appropriate response to Isaac’s ignorance of Esav’s wickedness. This is why Isaac trembled when he realized that Jacob truly deserved the blessings, and Esav did not. This

“trembling” response makes it clear that Rebecca had real grounds not to confront Isaac...she knew he would not handle it well.

I would add this lesson: God was going to kill Moses when he didn’t perform circumcision on his son. (Deut. 4:24) A Rabbi taught that this teaches that Moses was not essential to God’s plan. God can achieve whatever His plan is, whichever way He desires. God didn’t need Moses...or Rebecca.

Now...what His plan is, man does not know. So to suggest that God had some other way “for Rebecca to do this” is incorrect. For we have no knowledge at all regarding what God’s plan is for the world.

All we know is that He desires we use our mind, and our free will. And Rebecca did so. He also didn’t need Isaac to bless Jacob, so that He could have providence over Jacob. The blessings were not essential to God; they are for man.

Chaya: Another question...How does God’s love for us work in conjunction with God’s system of reward and punishment?

Mesora: Reward and Punishment is a system intent on directing man towards the good here on Earth, and then granting us an eternal good in the Afterlife. In last weeks Parsha, Moses tells the Jews fearing for their lives after hearing God’s “voice”, that they should not fear, but that Revelation was performed in part so the Jews shall always have the fear of God before them, and not sin. God wishes man to veer away from sin, which can cause him to lose the good in this, and the next life.

Since knowledge of God is the happiest state in which man can exist, God offers us this involvement on an even greater level in the next world, if we learn to enjoy and appreciate it here. God does not need man, or anything. God’s creation of man was the greatest kindness He performed for us: He gave us existence...the ability to perceive amazing truths, starting with the truth that there exists a Creator. This concept was so amazing to Moses that he asked God to show him His true nature. Being physical, an organism that perceives through physical senses, God, instructed Moses that in this life, we could in no way know what God is, since God is imperceptible to human senses. But Moses’ question displays that man seeks more than anything, the true knowledge of the Creator, and of His created reality. Man can reach the level where he yearns for this knowledge. God created each of us with the capacity to find knowledge the greatest fulfillment.

This pursuit of wisdom, over all others, is the most enjoyable pursuit, and God desires that His creations be in a state of bliss. To direct mankind

toward the best life, and to protect society from harmful people, a system of courts was necessary, forming part of Reward and Punishment. But the Reward and Punishment you speak of is God’s...not that of human courts.

If we died at 80 or 90, together with our souls, and there was no remnant of our existence...we would say that such a life is futile. Even if we lived 1000 years, and then our bodies and souls were no more, what benefit would such an existence serve? Meaning, that which is good, is synonymous with what is eternal. And God enables us to live eternally, thereby substantiating our temporal, Earthly existence with much value. Our knowledge of this afterlife “reward” propels us to engage in the Torah lifestyle that will earn for us an eternal, pleasurable life in the pursuit of greater wisdom. If we would engage in wisdom here, we would have little interest in other matters. And we see that subsequent to Moses’ excel to a higher plane of existence; God instructed him that returning to his wife was not an option. Meaning, his personal life was now surpassed by his relationship with God. A life of studying God and His creations yields much depth and excitement. He created us precisely to enjoy life in this way. And He desired this enjoyment never ends, but rather, increases in intensity. The next world is where man reaches a higher awareness of truth, and God. And as a wise Rabbi taught, it is where we learn the majority of our Torah.

To help us not stray from Torah, the “reward” of the next world is taught as an inducement. But this is when we are yet young and relatively ignorant. When we have finally learned much, we realize that the promise of the next world is in fact a promise that our current studies will not end, and will reach new plateaus after death. The promise of the next world is in fact a security in the continuation of the pursuit of wisdom. In this perfected view of the afterlife, man does not seek the next world as extraneous to Earthly, Torah study, but rather, as a continuation on a higher plane.

One reason we are taught of reward is to steer us towards the good, even though when we are young, we view that reward as an extraneous. But the primary we are taught of reward is to enlighten us to our true existence, which is the afterlife. Since this is the eternal state we will enjoy, it greatly overshadows Earthly life. As Pirkei Avos states, this word is the vestibule for the banquet hall: the afterlife. Therefore, God intimated the afterlife in the Torah. It plays a primary role in our understanding of our existence. But it must not play a primary role in our attachment to the good life of Torah. For if one learns and performs mitzvahs, only to receive the next world, he in fact forfeits much of it, since his learning and mitzvahs are not performed out of a conviction of their

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truths, but for an imagined good. To help us not focus on living for such an imagined and false notion, God concealed the afterlife, making it known by hints alone. This embodies the very attachment we should have to it: a removed attachment, where our primary Earthly concern is discovering the beauty of God's wisdom in creation and in Torah.

Reward and Punishment is truly God's expression of His love for us: it is His expressed concern that we do not forfeit the good here on Earth, which serves to secure our eternal reward. ■

Irreligious Religions

Reader: Does the Torah say that every religion leads to God, regardless of the opinions those religions hold about God?

I also would like to ask: Isn't Abraham a perfect example of a Noachide that came to know the One God; therefore, earning merit to have a special relationship with Him? Before Mt. Sinai, what "Torah of Hashem" was Abraham passing to his children and his children passing to their children?

Sincerely, *A Concerned Noachide*

Mesora: The Torah came before many modern religions, so it does not address each one by name. However, they all share similar corruptions, and this, the Torah does denounce in principle. It is foolish to assume that since another system is dubbed "religion", that this naming in any way dictates a similarity to God's only revealed truth: His Torah. It is an error of this society, that we give credence to what is popular, and what carries emotional draw. We are taught from our youth to fear anything termed "religion". Anything with that title or connection "must" have some truth, we are taught. We are also taught to respect all mankind, and we then confuse that truth, with the danger of respecting all religions performed by all "mankind". However, this is false. The simplest explanation why all other religions are false, is based on God's command: "This entire matter which I command, you shall guard to perform it: do not add to it, and do not detract from it". (Deut. 13:1) All religions either add or detract from Judaism, thereby denying God's word, and opposing God's will. They cannot lead to God while violating His will. Abraham knew the Noachide laws, and also studied the universe, arriving at many truths about God. This was God's original will for Adam, and why God gave Adam just one command according to Rabbi Yehuda (Talmud San. 56b) God desired that Adam use his intelligence to guide his life, without commands, but by reasoning. ■



Judging Justice

Doug: Can I raise a different question for your consideration? It's about the Noahide commandment to establish courts of law. While this seems rather straightforward on its face, delving into it raises some disturbing questions. For example:

(1) What exactly is the commandment? Is it just to establish courts of law, so that the US court system would qualify as fulfillment? Or is it to establish courts of law that enforce the "seven Noahide laws"?

Mesora: As your quote from Maimonides states, (Kings, 9:14) the law is to establish courts that try cases regarding Noahide law.

Doug: (2) If the latter, this clearly doesn't exist in the US. Only two of the seven laws are enforced in the US (and probably are not interpreted in the same way as a Torah court would do so); theft and murder. In fact, I think I'm safe in maintaining there is no court in the world anywhere today that enforces the seven Noahide laws. Going further, I would guess that there never has been a time in the entire history of the world - with the possible exception of Israel during certain times of history - where courts have been established that enforced the seven Noahide laws.

(3) If (2) is true, then are all Noahides today guilty of violating this commandment because we haven't established courts that enforce the seven Noahide laws? Yet I would maintain that it is a practical impossibility in today's society to do so. So is a Noahide held responsible for failure to fulfill a commandment that is - for all practical purposes - impossible to fulfill?

Mesora: The Torah teaches that God exempts us from what is coerced: meaning, over that which we have no control. So no, you are not held accountable.

Doug: Sean passed along to me the attached comments from Maimonides. I find them troubling, particularly the statements that; (a) [If a Noachide] saw a [Noachide] who transgressed one of these [commands] and didn't judge him and kill him - behold! This [Noachide] is executed by decapitation; (b) A gentile is executed [on the basis of the testimony] of one witness and [the verdict of] a single judge. No warning is [required]. Relatives may serve as witnesses. These concepts seem diametrically opposed to the idea of Torah courts and justice with which I'm familiar. I welcome any light you can shed on this.

Thanks, *Doug*

Mesora: As a Rabbi once taught, the severity of punishment for the Noachide in comparison to the same infraction by a Jew, is not an inequality: the Noachide is not killed for "stealing", but rather for his "systemic breakdown" of the Noachide lifestyle. If the Noachide was in fact punished for stealing per se, then his penalty should mirror the Jew's penalty, as the crimes are identical, and God does not play favorites. However, as the crime of the Noachide is "breaking the system" and not stealing, the Noachide is punished more severely than the Jew since his infraction is worse: he is not maintaining a minimal set of laws. To deserve continued life, God demands that man observes this minimal set of laws...Noachide laws. If such a man cannot abide by them, and breaks any of those laws, his life has lost its purpose, and he is killed. Since the system is so minimalist, the Noachide is held to it with a higher degree of severity. And any deviation will meet wit death. Therefore, more stringency is applied to all areas: only one witness is required whereas Jews require 2 or 3; relatives can give testimony whereas Jews cannot; no warning is necessary before committing a crime whereas Jews require a warning on the spot if they are to be killed.

Noachide laws are not diametrically opposed; in fact, they are primarily the same as those 7 of a Jew, but with greater stringencies, since a Noachide is asked to observe far less than a Jew. ■

Repelling "Attraction"

Shlomo: Someone sent me an email with a link of a very well produced movie that explains "The Secret of life". It is very interesting but long. If you don't have time to watch it, they basically say that the rule of what makes things in your life happen is the law of "Attraction". They don't deny Hashem, but try to explain that everything that

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happens to a person in his life is a result of what he thinks. If one is thinking about the negative things like getting parking tickets etc., you get more of it. If one thinks about good things, that's what you attract and get. By using your attitude to control your emotions you can create a positive life. Is this inline with Jewish teachings?

Thanks, *Shlomo*

Mesora: Shlomo, You wrote, "If one is thinking about the negative things like getting parking tickets...they happen". What is your explanation of this cause and effect relationship?

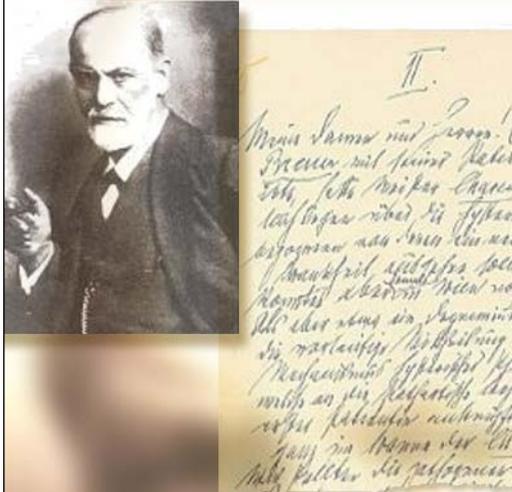
Shlomo: The video I sent you explains that there is a law of "Attraction" in the universe, or G-d, whatever people want to call it. That if you think of something, that's what you attract to yourself. If you have time check out the video and let me know what you think.

Mesora: So...with thought alone, a human can generate positive or negative activities? Is this the position?

Shlomo: One attracts to himself what he is thinking. "Think good and it will be good." But one also has to react to the opportunities presented to him, "Hishtadlut." However it all starts with thought, keeping the negative out, and focusing on the positive.

Mesora: You seem to describe the phenomenon of "self fulfilling prophecies": predictions that, in being made, actually cause itself to become true. This is a psychological principle applicable to people who succumb to a strong belief in destiny. But this opposes Judaism's outlook of free will.

A person, who feels neglected, may seek to be abused and ignored, as it gives him or her some concrete measure of the self, albeit negative. But at least they know where they stand, and that is, ironically, quite comforting. In such a person, the insecurity of one's measure, is worse than the abuse. So they force themselves into abusive situations, and make others despise them...all for the sake of arriving at some self-evaluation. Such individuals may – for a myriad of emotional reasons – have a need for others to pity them. So acting poorly to others to attract neglect actually caters to some wish that someone pities them, and they enjoy that feeling. When an emotion is satisfying – even a negative emotion – people will sacrifice normal pleasures and even self-esteem to experience that emotion. It is like an addiction. People sacrifice friendships and all basic bodily needs to have one more high on that drug. People suffer nightmares too for the similar reason that the wait for life's catastrophes is more painful than



the actual experience...which most times is not as severe as imagined.

In the world of the psyche, there is no "normal". Each person has his and her own hierarchical order of "gratification". To a masochist, pain is preferred to the absence of sensation. To an anorexic, thinness is preferred to health. And to one seeking pity, failure makes him think that others now pity his state. Why people feel the way they do is not the issue, and many causes exist. The point here is that the self-fulfilling prophecy you describe caters to the imagined "destiny", or to one who wishes pity, or one of many other emotions.

No. Judaism does not endorse a passive attitude of any kind, where people invent falsehood as this, simply to excuse themselves from responsibility.

Destiny does not exist: free will and responsibility do. And one should not pay pity to another, who has the ability to emancipate himself from foolish emotional crutches. One should either advise or rebuke a troubled person, depending on his findings, and after careful evaluation of how another person will receive such counsel. ■

Correction

Reader: Rabbi Moshe Ben-Chaim, In the JewishTimes this week you state: "However, no prohibition exists to cut one's facial hair as I mentioned. The prohibition is to cut one's face in five spots as a mournful act, performed by heathens. Therefore, we do not use a razor blade on our face above the jaw line, lest we accidentally duplicate those heathen cuts. However, there is no reason not to use an electric shaver since the blades do not come in contact with the face."

I believe that you are confusing the prohibition of shaving with a razor which is because of imitation of their priests (Rambam Hilchos Avodas Kochavim chapter 12 halachos 7-8) with the prohibition of cutting oneself and making a bald spot out of mourning (Rambam Hilchos Avodas Kochavim chapter 12 halachos 12-16)

I am not disagreeing with the permissibility of using an electric shaver. I just wanted to correct the theoretical classification of the prohibition of shaving with a razor.

Good Shabbos

Mesora: You are correct, that is my error. Thank you. Good Shabbos to you as well. ■

Near & Far

Omphile: Greetings Rabbi. You wrote: "To avert this catastrophe where the nation might project physical characteristics onto God, He included a number of features in Revelation at Sinai. Foremost was the command to rail-off the mountain. This controls man's physical attempt to 'approach' God."

Isn't there a danger that people could misconstrue this 'railing-off'? I mean someone can easily say that God doesn't want us to get NEAR him, that He IS at this particular place. Why cant the explanation simply be that God wanted a particular area cleared for the fire?

I understand that having different people at differing heights on Sinai (Moses, Aaron the masses) teaches that we are not all equal (in our perfection/understanding of God) and so a person should 'know his level'

and not attempt to comprehend that which is above his comprehension. Which then begs the question,

how one can avoid areas of Torah that are beyond him. How is one to know when to back off? For example, it is my understanding that the area about the red heifer has only been understood by Moses and Solomon (if I'm not mistaken). Yet you still see Rabbis today studying the area.

Regards, *Omphile*

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Letters

(continued from page 6)

Mesora: Good to hear from you Omphile.

One does not need to be guarded from entering a firestorm. Furthermore, God stated that the railing off was to prevent the people from trying to “see” something. (Deut. 19:21) Moses then clarified that “And any form your eyes did not see...” at Sinai. (Ibid 4:6) Moses taught that the Jews must not assume there was anything to see. Deuteronomy 19:20 states that God came down on Sinai. And 20:19 states that they heard God from the heavens. Perhaps this “apparent” contradiction was to make the point that God is “in” neither location.

Regarding your second question, a person knows when he is unclear. If he makes no headway in a given area, he is wise to distance himself, as we learn, “What is distant from you, do not explain.” Now, even though few have discerned the ideas behind the red heifer, this does not mean one is prohibited from indulging in its study. What it does mean is that if you encounter difficulty in comprehension, then you should leave it alone. ■

Expires: 0/0/0000

Reader: My question concerns passages in the Torah that condone slavery: are they to be taken as G-d allowing this type of economic and social practice; or instead, are we to see it as revolutionary for it's day—meaning the relaxation of the severity of the master slave relationship existing in the world at that time (agricultural societies mainly) and therefore, as people striving for progressive reform, were we to build on that until slavery was to eventually be abolished totally? How does an Orthodox Jew today understand these passages? I ask the same sort of question regarding animal sacrifices. Kindly provide me with sources supporting your answer.

Thank You, *Hank*

Mesora: The institution of slavery in Torah is purely monetary. A master with one pillow must forfeit it to insure his slave's comfort, over his own. The very fact that slaves are freed at the Jubilee indicates it's temporal nature. It is not a social issue left up to the current cultural norms. It is a permanent law as are all Torah laws. Man doesn't change, so Torah doesn't change. (See this week's Parsha Mishpatim for sources of your specific questions. See also Maimonides' Mishneh Torah, Laws of Servants.)

Regarding sacrifice, it was incorporated into Torah law as well, as a lesson that man must not succumb to animal worship, as did the Egyptians. And although this practice has almost entirely vanished, human nature, which generates this urge, is alive and well. To address this part of human nature, sacrifice will always remain applicable. (See Maimonides' “Guide for the Perplexed”, Book III, chap. XXXII)

Torah never expires. ■

Weekly Parsha

RABBI DR. MICHAEL BERNSTEIN

Mishpatim

Taunting As a Capital Offense

Taunting is always forbidden, but if the victim is a widow or an orphan, it can have terrible consequences (22:21-3). “Do not taunt any widow or orphan. If you will indeed taunt him, then should he cry out to Me, I will surely hear his cry. And My anger will flare, and I will kill you by the sword; your wives will be widows, your children orphans.”

There are some intriguing textual and grammatical anomalies in the verse. In the Torah, the order of their mention is ordinarily “orphans and widows,” yet here it is “widows and orphans.” Also, when speaking about “orphans and widows” or “orphans or widows,” the Torah ordinarily refers to “them” in the third person plural. Here, the verse concludes, “if you will indeed taunt him, then should he cry out to Me,” referring to “him,” the third person singular. Even more puzzling, when speaking about the retribution, “I will kill you by the sword,” here the Torah uses the plural form of the pronoun even though it has spoken until now to a lone tormentor. Finally, we cannot help but wonder why taunting, albeit an unpleasant act, elicits such harsh consequences.

It may be that the Torah reverses the regular order and mentions the orphan second in order to show that the focus of the severe retribution of the next verse is more related to the case of the orphan than the widow. Although the pain and suffering taunts inflict on a widow are great, they do not compare to the irreparable harm they inflict on an orphan. Modern psychology finds, not unexpectedly, that the basic structure of our personalities, emotional predispositions and our attitudes to our surroundings are determined in childhood. It follows that the taunt inflicted on an orphan is singularly injurious.

By permanently skewing the orphan's perceptions and causing him to become wary and suspicious, the tormentor impedes the ability of the orphan to form a meaningful and trusting relationship with God. In essence, then, he is depriving the orphan of this most important aspect of life, and the Torah predicts that the tormentor will pay for this heinous crime with his own life. Although this may hold true with a widow to a lesser extent, the Torah juxtaposes the consequences to the orphan and expresses them in the singular, to emphasize that the more severe damage and hence the harsher divine consequences are with the orphan.

Although the Torah uses the singular in referring to the tormentor of the orphan, the Torah returns to the plural in the description of the punishment. This is a common grammatical device employed by the Torah to indicate that the community bears collective responsibility for certain types of egregious crimes committed by and against individuals, that silence and inaction in the presence of injustice and cruelty are also crimes. We must proactively assure the welfare of widows and orphans. ■

The Fourth Festival

The Torah obliges us to celebrate three festivals each year (23:14) in commemoration of historical events during the Exodus and its aftermath. Passover commemorates the Exodus itself, Shavuot the giving of the Torah and Sukkos the providential existence in the desert. These occasions are celebrated with feasting and joy, and labor is forbidden.

Is there a possibility for a fourth?

Megillas Esther records (9:22) that Mordechai sought to designate the days of Purim as “days of feasting, joy and festivity.” The Talmud states (Megillah 5b) that the Jewish people accepted the requirements of feasting and joy but they did not accept the obligation to treat the day celebrating their salvation as a festival (yom tov).

Was there a deeper significance to Mordechai's request?

Mordechai had wanted to establish Purim as an added festival commemorating the historical events that had just taken place in Shushan. Why did he think he could institute a new festival with the stature of a Passover or a Sukkos?

In Netzach Yisrael, the Maharal states that the prohibition against forbidden labors on the festivals, allowing only those necessary for the celebration of the day, foreshadows and mirrors the Messianic era. At that time, the awareness and knowledge of God will be so great and clear that people will not engage in activities extraneous to furthering their relationship with God.

In light of this thought, perhaps we can understand Mordechai's rationale in proposing that Purim be instituted as a fourth festival. Purim represented the defeat of Amalek, the implacable enemy of God and the Jewish people. Furthermore, the nation had become reinvigorated in their commitment to keep the Torah (kimu vekiblu). It is possible that Mordechai expected that the deliverance of the Jewish people would now lead speedily to the completed building of the Second Temple, whose construction had been abruptly halted several years earlier. Most importantly, it would signal the advent of the Messiah. As a harbinger of the Messianic era (ikvesa d'Meshicha), Purim would join the other festivals as days on which forbidden labors are proscribed, days restricted to festivity and joy, days that celebrate the pivotal historic moments of God's providence for the Jewish people.

The Havdalah ritual, which distinguishes the Sabbath from the weekday, the holy from the mundane, features a quote from Megillas Esther as part of its liturgy. “To the Jews there was light and joy, gladness and glory. So should there be for us.” In this statement, we express our hope and expectation that the complete redemption Mordechai envisioned awaits us as we return to the toils of our workweek. ■

"Mobilize Now, Save the World"

NATAN SHARANSKY

JERUSALEM POST: Just over three years ago, at the first-ever global forum on anti-Semitism organized by the State of Israel, the essential task was to define the beast - the new anti-Semitism. Since then, as the fourth such global gathering meets this week, efforts to incorporate the "three-D" distinction between legitimate criticism of Israel and the new anti-Semitism - demonization, double standards and delegitimization - have become part of international documents and discourse.

These and other accomplishments, as important as they are, have been dwarfed by the quantum leap anti-Semitism itself has taken. It has leapfrogged from isolated attacks against Jews to incitement to genocide - the actual elimination of the Jewish state.

This shift has come in the form of a pincer movement. On one side, we have the Iranian regime, which is denying the Holocaust and calling for Israel to be "wiped off the map" while racing to develop the physical means of doing so. On the other side, we have what is, in effect, international silence in response, coupled with growing willingness to discuss Israel's existence as a mistake, an anachronism, or a provocation.

We must recognize the fact that though sympathy for Iran's expressed goal of Israel's destruction is hardly mainstream, the idea of a world without Israel is more acceptable in polite company, the media and academia today than Hitler's expressed goal of a Europe without Jews was in 1939.

Given this situation, it should be clear that we are beyond the stage of definitions. The Jewish

world now must mobilize at a level no less than during the struggles to establish the State of Israel and to free Soviet Jewry. It is this latter struggle that presents the most potent model for action today.

Though both sides of the genocidal pincer are in quite advanced stages of development, the Jewish world remains mired in pre-mobilization debates reminiscent of the early stages of the Soviet Jewry struggle in the 1960s. This may be hard to recall in light of the subsequent success, but back then a debate raged among Jews over whether a campaign to free Soviet Jewry was "too parochial," and whether being out front risked making it too much of a "Jewish issue."

BEFORE THESE internal debates were resolved the Soviet Jewry effort could not be regarded as a movement, capable of attracting allies and moving governments. Nor were such debates easily, or ever fully, put to rest.

As late as 1987, when the by then mature and powerful movement organized the largest-ever Soviet Jewry rally on Washington's mall to coincide with Mikhail Gorbachev's visit, some Jewish leaders wondered if the community could be mobilized, and if such a rally would be counterproductive. They warned that only a few thousand souls would brave the winter weather, and that the Jewish community would be considered "warmongers" who were spoiling the recent warming of US-Soviet relations.

In actuality, over 250,000 people came to a rally that was pivotal in opening the floodgates, not just to 10,000 or 20,000 Jews, which seemed like a dream at the time, but to a million

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Israel

Jews who came to Israel over the following decade.

Since it has been a while, a reminder is in order of what full mobilization looks like.

First, as Shlomo Avineri has recently proposed, Iranian officials should get the Soviet treatment. Just as no Soviet official, including sport and cultural delegations, could travel without being accosted by protests and hostile questions, so it should be with anyone representing the Iranian regime. As in the Soviet case, such protests will not themselves change Iranian behavior, but they are critical to creating a climate that will influence the policies of Western governments.

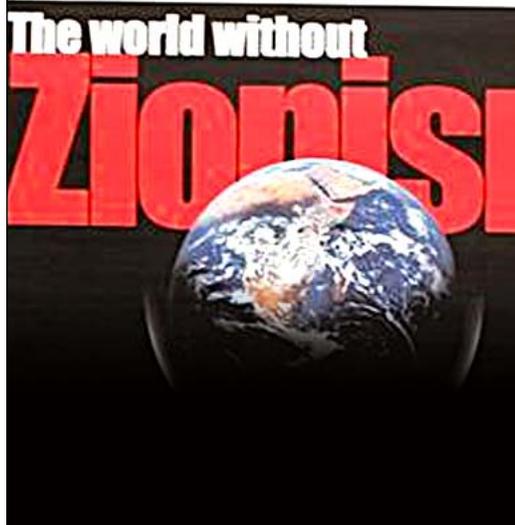
Second, an inventory of the governments and companies that provide Iran with refined oil, huge trade deals, and even military and nuclear assistance should be taken and public pressure be put on them to end their complicity with a regime that is racing to genocide.

Third, the pension funds of US states should be divested from all companies that trade with or invest in Iran. This divestment campaign must be pursued without apologies or hesitation.

Fourth, every country that is party to the Genocide Convention should be called upon to fulfill its obligation under that treaty and seek an indictment of President Mahmoud Ahmadijad on the charge of incitement to genocide, which is a "punishable offense" under Article III of that treaty.

Fifth, human rights groups, such as Amnesty International and Human Rights Watch, which are heavily nourished by Jewish values, passion and funding, must stop squeezing both sides of the genocidal pincer. These groups must be challenged, on the one hand, to press for enforcement of the Genocide Treaty, to stand up for human rights in Iran, and to oppose and expose Iranian support for terrorism. On the other, they must stop perverting the sacred cause of human rights into a cudgel in Iran's hands against Israel. This happened just months ago when, during the Lebanon war, such groups all but ignored Hizbullah's terrorism from behind human shields and called Israel's self-defense a "war crime."

JUST AS the two sides of the pincer themselves are connected, so too must be the efforts to combat them. All the above steps concern the Iranian side of the pincer. But combating the other side, the denial of Israel's right to exist, is no less critical - and more difficult, since at times they necessitate confronting, not a rogue regime, but our own cherished institutions. On this front:



First, universities that provide chairs for professors who campaign against Israel's right to exist should be boycotted. In a number of countries, denying the Holocaust is a criminal act. In the current context, denying Israel's right to exist lays the groundwork for a second holocaust even more directly than does denying history. Therefore, the promulgation of such an ideology should be fought even by societies that justifiably revere freedom of speech.

This may seem a hopelessly difficult task, but it is not. After 9/11, one woman, a student, took on Harvard University, which was ready to accept a \$10 million "gift" from a Saudi sheikh. Harvard backed down, showing that moral clarity, unapologetically and passionately expressed, can change seemingly unassailable ideas.

We must stand for a basic principle: If denying the Holocaust can land a professor in jail, denying Israel should not land him tenure.

Second, support for Israel must be demonstrated. Two decades after the massive Soviet Jewry rally of 1987, we need to return to the Mall on Israel's Independence Day in May with two messages: Support Israel and Stop Iran. It is late, but not too late, to overcome those fears of being "too parochial" that the Soviet Jewry movement succeeded in dispelling more than 30 years ago.

The fight to support Israel and stop Iran now is, if anything, less "parochial" than the Soviet Jewry movement was then. Then, the Jewish world took on a global superpower, the Soviet Union, and confronted the reigning American foreign policy paradigm - detente - with a very different one: linkage of trade to human rights.

Then, we successfully argued that the freedom to emigrate was not just a Jewish concern, but a universal one, and we were more right than we knew. The Jackson-Vanik amendment and the Helsinki Accords were critical factors in triggering the internal collapse of the Soviet empire. This collapse not only freed millions of Jews, but all the peoples behind the Iron Curtain, and ended a half-century-old superpower stalemate that threatened the entire planet.

NOW THE WORLD stands at a no less fateful watershed. The world's most dangerous rogue regime is on the verge of obtaining the ultimate weapons of terror. Already, Iran's confidence that it will not be stopped has led to one war, last summer's war in Lebanon started by Hizbullah. Already, Iran is fueling conflicts in Iraq, Afghanistan, Lebanon and Gaza - and all this before the regime enjoys its own full, declared nuclear umbrella. The moment before mobilization is always a lonely one, in which it seems that the obstacles to making a cause universal are insurmountable. Yet, as in the case of the Soviet Jewry movement, we are not alone. We are surrounded by potential allies who may not themselves know they are ready to join us until we create a movement for them to join.

Our leadership will give others the opportunity to act. If the Jewish world does not lead the way, who will? It is as true now as it was then; if we build it, they will come.

A decade after the wave of democracy that came with the fall of the Soviet Union, an Iranian-led wave of terror is rising that will not stop until it is stopped. Ultimately, we overcame our fear of parochialism to stand up for Soviet Jewry, and left the world a much better place for it. Now we must do the same to prevent a second holocaust, and in the process save the world. ■

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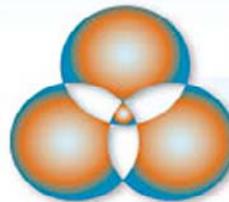
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