

option preclude or diminish his obligation to pray to Hashem? Apparently, if he would have had "other" options, it would have diminished his prayer. It would not be *shleimah*. As long as options exist, they remain in the back of our minds, impeding us from complete prayer. It is only when one's entire *tikvah*, hope, depends upon Hashem that prayer has its true efficacy.

**ותחת רגליו כמעשה לבנת הספיר וכעצם השמים לטוהר**  
**And under His feet was like a brick work of sapphire,**  
**and an appearance of the Heavens in their brilliance.**  
**(24:10)**

The Torah relates that *Klal Yisrael* accepted the Torah amid a resounding declaration of *Naaseh v'Nishma*, "We will do and we will listen." Following this, Moshe *Rabbeinu*, Aharon *HaKohen*, his sons and the seventy Elders were privy to an unparalleled revelation of Hashem. This was a prophetic vision in which they visualized Hashem sitting on His Holy Throne (*Ibn Ezra* explains that they saw Hashem's "back"). Under His feet was like a brick work of sapphire and an appearance of the Heavens in their brilliance. *Rashi* says that the brick work was in Hashem's Presence during the Jews' enslavement, so that their suffering (which was symbolized by the brick work, since they were making bricks for building) would be recalled before Him. The bricks symbolized their affliction, while the vision of the Heavenly light reflected the joy of their redemption. All of this is inspiring, but why did Hashem choose brick work of sapphire? Why not bricks of straw and mud, similar to the bricks the people enslaved in Egypt were making?

*Horav Yisrael Belsky, zl*, explains that there is a symbiotic relationship between *shibud Mitzrayim*, the Egyptian bondage, and *Matan Torah*, the Giving of the Torah. Essentially, *Klal Yisrael* was forged in the *kur ha'barzel*, iron crucible, of Egypt. Their national character of *rachamanim, baishanim, gomlei chassadim*, merciful, unassuming and doers of kindness, became refined in Egypt. They learned to feel the pain of others. They were unassuming in taking necessary steps to proffer acts of kindness and relief to their brothers. The tender, refined Jewish *neshamah*, soul, is the result of *shibud Mitzrayim*. They were now ready to accept the Torah.

This is why, explains the *Rosh Yeshivah*, the brickwork in Heaven was made of sapphire stone. In Hashem's eyes, every brick of straw and mortar was actually a sapphire, because these bricks transformed the Jewish people from selfish slaves to caring, giving, empathetic, dignified Jews whose acts of kindness to one another were carried out with love in the most unassuming manner. Hashem made a shining jewel out of their work, something of such great value that He wanted to see it all of the time. What *Klal Yisrael* thought was affliction was actually a stepping stone enabling them to receive the Torah.

There is a powerful lesson to be derived from here. We must learn to value even the worst experiences. The ability to transform adversity into opportunity, misery into joy, is real and achievable. Every incident has a purpose; every experience hones the mind. Even the most difficult circumstances can have a joyous conclusion. It is entirely up to the individual. A small-minded person sees the small picture, which is presently in front of him. One who is greater, thinks deeper sees the larger picture, and maintains a vision not only of the present, but also of the past and future. Whatever hardship one experiences, does not "just happen." The greatness of a person is manifest when he takes the bricks of straw and mortar and transforms them into bricks of sapphire that illuminate his life and the lives of others.

### Va'ani Tefillah

והחזירנו בתשובה שלמה לפניך. *V'hachazireinu b'seshuvah shleimah Lefanecha*

We recite this entreaty three times daily, yet do we see a mass run on *teshuvah*, repentance? People recite the words and continue along with business as usual, as if they never had said anything. Do we not realize that we are addressing Hashem, asking Him to return us to Him? What about our effort? *Teshuvah* must be initiated by the sinner. When we ask Hashem to return us, we are essentially asking that when we return and knock on the "door," He will open it up and welcome us. So where is our *hishtadlus*, endeavoring?

Perhaps the problem lies in our understanding of the meaning of the words. We think that *teshuvah* on our own is a difficult undertaking. We require help. Thus, we ask Hashem to please: initiate the *teshuvah*; inspire us to repent; coax us along the way; help us through the process. Well, it does not work that way. We must initiate; we must follow through. When we reach the "door," He will open it and welcome us in.

In loving memory of

**HILLEL BEN CHAIM AHARON JACOBSON**

by his family:

**David, Susan, Danial, Breindy, Ephraim,**  
**Adeena, Aryeh and Michelle Jacobson**  
**and his great grandchildren**

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## Parashas Mishpatim

תשע"ז

פרשת משפטים

ורצע אדניו את אונו במרצע ועבדו לעלם

**And his master shall bore through his ear with the awl;  
 He then serves his master forever. (21:6)**

Why was the ear selected over any other limb of the body? Rabbi Yochanan ben Zakai explains that, if the ear heard at *Har Sinai*, "You shall not steal!" and the owner of that ear none- the-less went ahead and stole, his ear should be pierced. Why should the ear be singled out, given that the hands and feet were involved in an act of theft? They should be pierced! It is almost as if the ear was held responsible for the theft. *Horav Tzvi Pesach Frank, zl*, explains that the Giving of the Torah was not a one-time, isolated experience. *Chazal* teach that the Torah should be perceived by us as being newly-given every day. This means Hashem's voice speaks to us anew all of the time: when we take a *sefer* in hand; when we study Torah, we are hearing the *dvar* Hashem, word of G-d, as it was heard then.

The sin of the ear is that it heard it once at *Har Sinai*, and that was it. It was a one-time hearing with no "follow up." The fact that it did not hear the *Lo signov*, Do not steal, now, is the reason that the ear is pierced. We may never disconnect from *Sinai*. Hashem's voice should resonate within us all of the time. It is when we stop listening to His voice, however, that we also stop doing His will, observing His *mitzvos*.

ורצע אדניו את אונו במרצע

**And his master shall bore through his ear with the awl.  
 (21:6)**

*Rashi* quotes the well-known statement of *Chazal*, "The ear that heard at *Har Sinai* *Lo signov*, you shall not steal, and this one went and stole – it should be pierced with an awl." The question is obvious: Is it not late for the reminder concerning *Lo signov*? The man stole six years ago. He did not have the money to pay his debt. As a result, he was sold into slavery for six years. Now, he seeks to extend his servitude. After all, he is happy here – nice boss, nice wife, nice children. Why ruin it all and leave? He might even have to go to work and earn a living! He should have had his ear pierced when he perpetrated the theft. Why did it happen six years later?

In his *Yabia Omer*, *Horav Yehudah Leib Grubart* cites an analogy to explain this. There was a Jew who did not go out of his way to work too hard at *mitzvah* observance. He was committed, but on his terms, when it was convenient. At times, he would recite *Krias Shma* at the required time. At

times, he even put on his *Tefillin* before sunset. At times, he even attended *minyán* in *shul*. In other words, he never committed a grave sin (according to today's standards). He simply stayed within the parameters of observance, so that no one could suggest that he did not practice.

One day, his evil inclination got the better of him, and he committed a grave sin, a truly egregious transgression. There was no covering up. He was taken to the *rav* to discuss his punishment. "Since you committed such a terrible sin, I fine you five thousand dollars, to be distributed among the poor," the *rav* said.

"*Rebbe!* Five thousand dollars is outrageous. I have no problem giving charity, but such an outlandish sum! *Rebbe*, please have mercy!" was the sinner's response.

"*B'seder*, fine," said the *rav*. "Instead of paying a five thousand dollar fine, you must fast every Monday and Thursday for the following year."

"Fast? *Rebbe*, I am not a well man: my heart; my kidneys; I have problems with sugar. Fasting is much too dangerous an undertaking for someone in my physical condition" was the sinner's response.

"OK. You refuse to pay a fine; you are unable to fast; then you will give up sleeping in your luxurious bed for three months. Instead, you will sleep on the floor. That will be your penance," said the *rav*.

"On the floor? *Rebbe*, as it is I am almost a hunchback. I have back problems which require me to sleep in a specially crafted bed," the sinner replied.

"Let me see," said the *rav*. "You committed a grave sin, and you apparently have serious difficulties agreeing to the appropriate punishment. What should we do?"

"*Rebbe*, I have an idea. For one complete year, I will not receive an *aliyah*, be called to the Torah, *Shabbos* or during the week. That should be sufficient punishment for me," the sinner countered.

"That is a fine? You call that punishment? For you, who hardly ever attends services in *shul*. How dare you call that penance? It is nothing more than another one of your deceptions. It will not work."

The analogy is quite clear. A man fell to a nadir of sin to the point that he convinced himself that it was permissible to steal from a fellow Jew. He was apprehended and had no money left to pay his debt to the victim. As a result, the *bais din* sold him as a slave. Once he completed his term of punishment, he was told, "You may go. You are now a free

man.” What was his response? “No, I am not leaving. I like it here. I have come to enjoy the company of my master, my wife and my children. I really would like to stay and continue my servitude.”

His reaction to being released is a clear indication that the six years of servitude had not been a punishment. A person should not want to continue as a slave, unless he enjoyed it, demonstrating that this was a vacation – not an act of penance and retribution. If this is the case, let him now have his ear pierced. Apparently, he did not hear very well when the prohibition against stealing was declared on *Har Sinai*.

#### וּגּוֹב אִישׁ וּמָכְרוּ וּנְמָצָה בְּיָדוֹ... מוֹת יוֹמָת

**One who kidnaps a man and sells him, and he was found to have been in his power, shall surely be put to death. (21:16)**

Who would kidnap a fellow Jew? It would have to be someone who is depraved, an individual to whom human life has no meaning, certainly not someone who would refer to himself as an observant Jew. So we think. We must take into account that when one’s life is threatened, especially when it means the possibility of losing one’s own child, when the stakes reach such epic proportion – a person’s mind becomes clouded and the rationality of his decisions become suspect. In other words, when it is “me” or “you” – it is not going to be “me.” The following story, quoted in *HaMeoros HaGedolim*, is a classic which demonstrates that, when pushed up against a wall, the “finest” and the “best” might justify the most heinous, depraved acts against a fellow Jew.

It was during the reign of Czar Nikolai I, the Russian monarch who decreed that young Jewish boys could be taken from their families and forced to enter the Russian Army for a period of twenty-five years. This was the infamous Cantonist decree which destroyed the spiritual lives of many Jewish boys. In the army, they were forced to abandon their religion – which sadly became a reality. The city of Salant was not spared. It, too, was demanded to produce a required number of boys. The heads of the community were concerned with this decree, because they, too, had young boys of draft age. They decided to do what was unfortunately common in those days: they sought out the children of the poor to replace their own sons. (The reader might be shocked that an observant Jew could stoop so low, but when personally faced with the decision of “my” son or the “other fellow’s son,” I am not certain that some of us would act differently.) Obviously, this “exchange” had to be covertly arranged, since, if word got out, there would be a riot in town. As it would happen, a poor widow, accompanied by her orphaned young son, visited the town for the express purpose of begging from door to door for alms to sustain them. She played a harmonica and people threw coins into a cup held by her son.

When the leaders of the community heard about the town’s visitors, they immediately sprang into action by grabbing the young boy, changing his name and using him to replace one of their own. The community was well aware of this terrible deed, but no one said a word. It was done – and accepted. The widow, however, was far from accepting. She went from door to door to the community’s leaders

screaming, pleading, but no one heard her pleas. They were all involved with themselves, unable to hear the cries of others.

It happened to be that *Horav Yisrael Salanter, zl*, visited his home town that week. When the widow heard that such a distinguished guest was in town, the *gadol hador*, preeminent Torah sage of the generation, she immediately proceeded to his home to plead with him to intercede on her behalf. *Rav* Yisrael listened, calmed her down and asked her to return after *Shabbos*. That *Shabbos*, *Rav* Yisrael attended services in the main *shul*. Following *davening*, the *chashuvei ha’ir*, distinguished leaders of the community, came to his home for *Kiddush*, to bask in the presence of the founder of the *Mussar*, ethical refinement, Movement, one of the primary leaders of Torah Jewry.

As soon as *Kiddush* was recited, *Rav* Yisrael arose from his seat, looked at the assemblage, and raised his voice in rebuke: “Murderers! Kidnappers! How dare you do what you did!” He knew each leader and looked each one in the face, as he reiterated their egregious sin,

“You!” *Rav* Yisrael screamed, looking squarely in the face of one leader. “You are careful to tie a handkerchief around your neck on *Shabbos*, so that you will not carry; yet, you have no qualms about stealing a helpless child from the arms of his mother! Are you not aware of the prohibition against kidnapping?”

*Rav* Yisrael looked at the next fellow and said, “You are so careful and stringent with *mitzvos*. You picked the most beautiful *esrog*, but to give a Jewish child over to *shmad*, to be apostatized, means nothing to you?” He railed on like this, speaking individually to each leader and pointing out his individual hypocrisy.

The leaders were shocked and knew not what to say. They hung their heads in shame. Never had they been excoriated so vehemently – and especially by the *gadol hador*. *Rav* Yisrael concluded his rebuke, jumped up and left his house. He said, “It is prohibited to be in the presence of *reshaim*, wicked people.” He left the city on *Shabbos*! Word went out throughout the city that *Rav* Yisrael had stormed out of the community.

No one would dream of being insolent to *Rav* Yisrael. Thus, the leaders acknowledged that they must act immediately. The young orphan was redeemed and returned to his mother. One of the *rabbanim* in the community acquiesced to seek out *Rav* Yisrael and convince him to return – which he did. While this near tragic incident worked itself out, it required the input of *Horav Yisrael Salanter* to set the wheels in motion.

Regrettably, there still remains the double-standard whereby the high and mighty, pious and committed movers and shakers of various communities and organizations, continue to play the game of *mi yichyeh*: Who will live? Who will go to school, *yeshivah*, seminary? Are they playing any less with the lives of people? Is creating criteria for acceptance that applies only to certain families with specific pedigree and financial security, any different than what the “holy” leaders of Salant were doing? When an administrator, *Rosh Yeshivah*, *Menahel*, *Menahel* says, “No,” do they think twice about the ramifications for the potential student and his/her family? True, there are only so many schools and

just so much room, but the unequitable criteria, (to which, of course, no one will concede) should not be the determining factor.

**אם במחתרת ימצא הגנב והכה ומת אין לו דמים. אם זרחו השמש עליו דמים לו שלם ישלם. אם אין לו ונמכר בניבתו If the thief will be found in an underground passage, and he is struck and dies, there is no blood for him. If the sun shone upon him, he has blood, he shall pay; if he has nothing, he shall be sold for his theft. (22:1,2)**

It seems quite simple. A person breaks into a house at night, indicating by his covert approach that he does not want to be discovered. Thus, his life has no value, because he would murder in order to protect his identity. On the other hand, the thief that steals by light of day presents less of a danger to the owner of the house. Therefore, when he is caught, he pays. If he is unable to pay, he is sold into slavery. The *halachah* that an indigent thief is sold into slavery is not exclusive to *ba b’machteres*, one who breaks into a house. It applies to any thief who cannot pay. It is, thus, surprising that the Torah chose to write *v’nimkar, b’gneivaso*, he shall be sold for this theft: his theft, specifically here, rather than earlier by the “standard” case of theft.

*Horav Yosef Zundel Salant, zl*, quotes *Chazal (Sanhedrin 72b)* who interpret the case of *ba b’machteres* as speaking about a father who is in such need of money that he is prepared to steal from his own son. Sadly, some people are lenient when it is about their son’s money. They have reasons to justify what (I feel) is the nadir of miscreancy, convincing themselves that they may take advantage of their children, since they did “so much” for them earlier in life. Veritably, such fathers only take advantage. They were hardly there for them when their input was crucial. They appear only when it is to their advantage.

The question now arises: A father steals from his son, since he feels, “Why not?” – He owes me!” The father is caught and, lo and behold, has no money to pay for his sin. He should now be sold as a slave. This is a shameful punishment for a son to bring upon his father – and, this is exactly how some “sons” and some people (who have nothing to do but find fault) might view the rightful punishment which the father earned for himself. No son wants to be the cause of his father’s shame. The Torah, therefore, chose to write the law of *v’nimkar b’gneivaso* specifically at this point, in order to convey a message. The son is not bringing about his father’s shame. The father who sought to take advantage of his son’s filial love is the one who is shaming himself.

One last word: There is a phenomenon of toxic parents who can be intentionally malevolent, but, more often, they are just self-centered and do not understand that their children have their own conflicting desires and emotional needs. A psychologist divides it into categories, which, for the most part, do not have to grow into conflict, if both parties are aware that a problem exists and maintain a willingness to address the issues. Some parents think that they require their children’s assistance in caring for them; their feelings always take precedence over the feelings of their children. They are acutely aware of personal problems,

which plague them, and they expect their children to remain mum and conceal these problems. They are controlling, using guilt or money to control a child’s life. They refuse to allow their child to grow up and become an independent adult. They refuse to recognize self-imposed parameters created by their children, (ie., their children want their own “space”.) They constantly undermine their children. Last is the passive-aggressive parent who controls his child through his moods. Many of us have seen this in action in some of the finest homes. It affects both young and adult children, stunting their lives and marriages. We should take a lesson from the Torah, which teaches us that no parent may manipulate the lives of his/her children. They are our responsibility, not our convenience.

**כַּל אֶלְמָנָה וַיְחֹם לָא תַעֲנֹן. אִם עָנָה תַעֲנָה אֹתוֹ כִּי אִם צַעֲקָ יִצַּעֲקָ אֵלַי שְׁמַע אֲשַׁמַּע צַעֲקוֹ.**

**You shall not persecute any widow or orphan. If you will persecute him...for if he will cry out to Me, I shall surely hear his cry. (22:21,22)**

Hashem issues a guarantee: If the widow or orphan cry out to Him, He will listen to their cries. Understandably, the widow and orphan are among the loneliest people in our society. Does this mean that they should be guaranteed access to Hashem over everyone else? *Horav Tzvi Partzovitz, Shlita*, quotes *Chazal (Rosh Hashanah 18a)* who say the following: Two men went up to the scaffold, each about to be executed; or two men went to the executioner to have his head severed from the rest of his body. One succeeds in leaving, while the other falls victim to the executioner’s skill. Why? What is it that catalyzes one to leave, while the other one dies? *Chazal* teach that one prayed *b’shleimus*; thus, he was spared, while the other one did not pray a *tefillah shleimah*, whole, perfect/complete prayer, thus, he was not spared. This implies that, if he would have prayed a *tefillah shleimah*, Hashem would have surely listened to his prayer. Furthermore, the only reason that Hashem did not respond favorably to this prayer was that his *tefillah* was not perfect. What is the meaning of this, and what constitutes a *tefillah shleimah*?

We must say that when one walks up the steps to the scaffold, he knows this is it. Unless Hashem answers his heartfelt prayer, he is soon to become history. There is no going back – alive – from the scaffold or the executioner’s block. It is at this point that the supplicant knows that only prayer, if accepted by Hashem, can save him. All options are over. This is it. When one prays with the realization that his only option for salvation is Hashem, it constitutes a *tefillah shleimah*. The widow and orphan are acutely aware that they have no one other than Hashem. Thus, their prayer to Him is *shleimah*, complete. They have no false beliefs that someone will come to their aid. They are all alone in the world. Therefore, when they pray to Hashem, He listens.

David *Hamelech* expresses this idea in *Tehillim* 142:5, “Looking to the right and see that I have no friend; every escape is lost to me; no one seeks to save my life.” Why did David *HaMelech* underscore the fact that he has no friend, no savior; he is literally up against a wall with nowhere to go and no one to whom he can turn? Would having another