



**San Diego-Los Angeles**

**Take home Dvar Torah**

**תשפ"ד Mishpatim**

**February 6, 2024**

**By: Rabbi Avi Cohen**

***Hello, Welcome!***

**Partners In Torah is a community-wide, independent and inclusive adult education program focusing on understanding Jewish relevancy to our lives by studying text most interesting to each participant.**

**Through one-on-one discussion for 1 hour each week, friendships are forged between mentors and mentees.**

***Partners in Torah  
has proven to be effective at reclaiming the rich legacy of wisdom, inspiration, and guidance for many who have, until now, lacked access.***

***Thank you for joining us!***

**Please encourage friends to join you in participating so that we may grow together as a community.**

The war in Gaza unfortunately drags on, and our brothers and sisters in Israel continue to be in great danger. Missiles repeatedly fall on populated areas, our precious young soldiers are constantly in the crosshairs of Arab terrorists' guns and rockets, and the innocent hostages are still being oppressed. What are we to do about this? We pray for their welfare and safety. We learn extra Torah and perform extra mitzvot on their behalf. These prayers, mitzvot, and Torah are protecting and supporting our brothers and sisters in Israel.

After each recitation of special prayers on their behalf, we say the following prayer.

אַחִינוּ כָּל בֵּית יִשְׂרָאֵל. הַנְּתוּנִים בְּצָרָה וּבִשְׁבָּיָה. הָעוֹמְדִים בֵּין בָּיִם וּבֵין בַּיְבֻשָׁה. הַמְּקוּם  
לְרַחֵם עֲלֵיהֶם וְיוֹצִיאֵם מִצָּרָה לְרִוְחָה. וּמֵאֲפֵלָה לְאוֹרָה. וּמִשְׁעָבוּד לְגִאֲלָה. הַשְׁתָּא בְּעַגְלָא  
וּבְזִמְן קָרִיב. וְנֹאמַר אָמֵן

*Our brothers- the entire Jewish nation- who are in a difficult situation or in captivity, whether they are at sea, or on land, Hashem should have mercy upon them, and take them from difficulty to salvation, from darkness to light, and from servitude to freedom, now, and speedily in our times, and let us say amen.*

Think about it. We are praying for people whom we don't even know. What is our connection to these "strangers" that we pray so fervently for? The answer lies in the first words of the prayer, "Our brothers." The entire Jewish nation is a single family; and we are all brothers. We are so closely related, and we care about each other.

In last week's portion Yitro (Exodus 19:6), Hashem told us:

(ו) וְאַתֶּם תִּהְיוּ לִי מִמְּלֶכֶת כֹּהֲנִים וְגוֹי קָדוֹשׁ.

*6) You will be for me a "kingdom of priests and a holy nation."*

Hashem, the King of the universe, chose the Jewish nation to be His kingdom. He is our King and we are His subjects. The Jewish nation is

called “בני ישראל” *The Children of Israel*. We are all descendants of Jacob our forefather, also called Yisrael, and are therefore a single, united family. Hashem’s choosing our family to be His subjects renders the Jewish nation the Royal Family.

But what makes us *brothers*, as opposed to cousins, many times removed?

The verse in Deuteronomy (14:1) informs us, “*You are children to Hashem your G-d.*”

(א) בָּנִים אַתֶּם לַיהוָה אֱלֹהֵיכֶם.

We are brothers because we all have the same Father, Hashem. Hashem is not only our King, He is also our Father in Heaven.

This is not a metaphor. Hashem really wants us to treat every other Jew like a brother. This is clear from the Torah’s many laws that instruct us to take care of our *brother* in need. Nothing expresses it more clearly than the verse in Leviticus (19:18):

וְאָהַבְתָּ לְרֵעֲךָ כָּמוֹךָ אֲנִי יְהוָה.

*You must love your fellow Jew as yourself, I am Hashem.*

This verse instructs us to put ourselves in our brother’s shoes, and to project, “If I was in that situation, what would I want to happen to me? What could someone, who wishes to help me, do to extract me from this difficulty?” That is what I should do for him.

The Torah is replete with laws instructing us to help out our brother in need. Here are but a few.

(לה) וְכִי יָמוּךְ אָחִיךָ וּמָטָה יָדוֹ עִמָּךְ וְהִחֲזַקְתָּ בּוֹ גֵר וְתוֹשֵׁב וְחִי עִמָּךְ.

(לו) אֶל תִּקַּח מֵאִתּוֹ נֶשֶׁךְ וְתַרְבִּית וְגֵרֹאֵת מֵאֶלְהִיךָ וְחִי אָחִיךָ עִמָּךְ.

25) If your **brother** becomes impoverished, and his means falter in your proximity, you shall strengthen him – proselyte or resident- so that he can live with you. (Leviticus 25:35,36)

26) *Do not take from him interest and increase, and you shall fear Hashem and let your **brother** live with you (Deuteronomy 15:7, 11).*

Here the Torah is telling us to give him an interest free loan to help him out.

(ז) כִּי יִהְיֶה בָּךְ אֶבְיוֹן מֵאֶחָד אֶחָיִךְ בְּאֶחָד שְׁעָרֶיךָ בְּאֶרֶץ אֲשֶׁר יְדוֹד אֱלֹהֶיךָ נִתַּן לָךְ לֹא תִצְמַח אֶת לִבְבְּךָ וְלֹא תִקַּח אֶת יְדֶךָ מֵאֶחָיִךְ הָאֶבְיוֹן.

7) *Should there be a destitute person among you, any of your **brethren** in any of your cities, in your land that Hashem, your G-d, gives you, you shall not harden your heart or close your hand against your destitute **brother**.*

(יא) כִּי לֹא יִחַדֵּל אֶבְיוֹן מִקְרֵב הָאָרֶץ עַל כֵּן אֲנֹכִי מְצַוֶּךָ לֵאמֹר פֶּתַח וּתְפַתַּח אֶת יְדֶךָ לְאֶחָיִךְ לְעֹנִי וְלְאֶבְיוֹנְךָ בְּאֶרֶץ.

11) *For destitute people will not cease to exist within the Land; therefore, I command you, saying, “You shall surely open your hand to your **brother**, to your poor, and to your destitute in your Land.”*

There are many other perquisites that accrue to being a MOT (“Member of the Tribe”).

Financially, it makes perfect sense to charge interest for lending money. Indeed, why should money be treated differently than renting your car? You are now without the use of your car, because you have given it to someone else. Having the use of a car is worth money, and is something people are happy to pay for. Why should money be different?

The answer is that if your brother needs a loan and you had extra cash to lend him, would you really try to profit from him? He’s your brother! And it’s not costing you anything, so why not help him out?

The same applies to returning a Jew’s lost object. The rule out in the world is “losers weepers, finders keepers.” I found it fair and square. He lost it, and I found it. But if you found your brother’s wallet, would you

keep it? He's your brother! Why wouldn't you help him out and return it to him. It will cost you nothing!

Via the many Torah laws that apply to Jews only, Hashem is urging us to support and strengthen our brothers in need.

The Torah instructs us to lend a helping hand to a brother in two other situations as well: the mitzvot of unloading and loading an animal.

The mitzvah to help one unload his animal is in this week's portion (Exodus 23:5):

(ה) כִּי תִרְאֶה חֲמֹר שֶׁנֶּאֱדָר רֹבֵץ תַּחַת מְשָׂאוֹ וְחִדְלָתָּ מֵעֲזֹב לוֹ עֲזֹב תִּעְזֹב עִמּוֹ.

*5) If you see the donkey of someone you hate crouching under its burden, would you refrain from helping him? - You shall help repeatedly, **with him.***

As you are walking down the street, you see someone's donkey collapsing under its burden, and its owner is in the process of removing the excess weight from it, you must help him unload the donkey. Even though he will eventually get the job done, you are obligated to help him relieve the stress of the animal as quickly as possible. This is because the Torah is concerned about the pain of the animal. One is not allowed to cause pain to an animal unnecessarily.

There is, however, something very peculiar in this verse. Why did the Torah choose the example of "someone you hate?" Why didn't the Torah relate this mitzvah to a friend or even a stranger?

The Targum Onkelos (the Torah's Aramaic translation) provides the answer by translating the verse as follows:

(ה) ארי תחזי חמרא דסנאך רביע תחות טועניה ותתמנע מלמשבק ליה משבק  
תשבוק מה דבלבך עלוהי ותפרק עמה

*When you see the donkey of someone you hate struggling under its burden, and you want to refrain from helping him, leave aside what is in your heart about him, and unload [the animal] with him.*

The Midrash says:

מדרש רבה בראשית - פרשה מד פסקה א  
רב אמר לא נתנו המצות אלא לצרף בהן את הבריות.

*Rav said, "The sole purpose for the mitzvot is to refine people."*

I don't really like this fellow- I think that he is really a bad person; thus, the last thing in the world that I want to do is to help him. I may actually feel a little tickle inside seeing him in trouble, thinking "it serves him right for being such a bad guy." Yet, the Torah commands me to put aside my grievance and help him unload his donkey, with a full heart. I must overcome my natural inclination to desist from assisting this person and afford him aid against my will. That's hard! Yet, this is what builds a person into a holy person.

There is a deeper level to this.

The Talmud (Pesachim 113b) asks the following question that we all should be asking: How is it possible for a Jew to hate another Jew? The Torah (Leviticus 19:17) prohibits a Jew from hating another Jew, even in his heart.

(יז) לא תשנא את אחיך בלבבך.

*17) Do not hate your brother in your heart.*

So why would the Torah speak about a person who is violating this law of the Torah?

The Talmud answers that this limited situation. Here he previously saw the other about to commit a sin, and warned him, yet he did it anyway. In this situation, it is permissible to hate the person. Because such an individual is a scofflaw and an enemy of Hashem, one may legitimately

hate him. The lesson here is that even though you are legally permitted to hate this person, you must still put it all aside and help him. This seems counterintuitive. Why would the Torah demand *that* of me? The answer lies in an even more counterintuitive law.

The mitzvah to help one load up his animal is in Deuteronomy (22:4) and it says:

(ד) לא תראה את חמור אחיך או שורו נפלים בדרך והתעלמת מהם הקים תקים עמו:

4) *You shall not see the donkey of your **brother** or his ox failing on the road and hide yourself from them: you shall surely stand them up, **with him**.*

If, when you are walking down the street, you see a fellow Jew's donkey that has lost its load and its owner is struggling to put the packages back on the donkey, you are obligated to help him load up the donkey. The Talmud asserts that one may charge for this service.

The Talmud (Bava Metzia 32b) presents an interesting scenario.

תא שמע אוהב לפרוק ושונא לטעון מצוה בשונא כדי לכוף את יצרו ואי סלקא דעתך צער בעלי חיים דאורייתא הא עדיף ליה אפילו הכי כדי לכוף את יצרו עדיף

What is the law if a man encounters his *friend's* animal collapsing under its load and [at the same time] his *enemy's* animal that needs to be loaded? He can help only one of them, so which one should he help? The answer is:

He must help his *enemy* load his animal instead of helping his *friend* unload his animal. Why is that?

The Mishna teaches us (Pirkei Avot 5:23):

(כג) בן הוא אומר, לפום צערא אגרא

*Ben He He says: According to the pain (in doing a mitzvah) comes the reward.*



Hence, the reasoning behind this law is this. Since by helping his enemy he will have to overcome his natural inclination *not* to help him which is more difficult than helping his friend, whom he would like to assist, helping his enemy is a greater mitzvah.

The Sages pose a question. How could loading the animal be a greater mitzvah than unloading the animal? When the animal is overloaded, it is suffering in pain until it is relieved of its burden. So, while the fellow is loading up his *enemy's* donkey, his *friend's* donkey continues to suffer under its load. Since the Torah is sensitive to the pain of animals, wouldn't it want him first to relieve the animal of its suffering?

The answer to this question provides us with a deep insight into our purpose on this earth.

Man was the last creature that Hashem created. When Adam "woke up," he found the entire world complete and ready to serve him. The Midrash tells us (Rabba Koheles 7:19):

בשעה שברא הקב"ה את אדם הראשון נטלו והחזירו על כל אילני גן עדן ואמר לו, "ראה מעשי כמה נאים ומשובחין הן וכל מה שבראתי בשבילך בראתי תן דעתך שלא תקלקל ותחריב את עולמי"

*When Hashem created Adam, He took him around and showed him all the trees in the Garden of Eden. Hashem then told him, "You see how beautiful and perfect my creations are? I created them all only for you! Make sure you don't ruin and destroy my world by sinning."*

This sums it up pretty succinctly. Hashem gave us free reign on His perfect world to use for our growth and betterment. We may use all the different elements of the world as we please as tools to serve Hashem. At the same time, we must resist the temptation to use them in a way that Hashem has deemed inappropriate. That would be a sin and bring destruction to the world.

Rabbi Moshe Chaim Luzzato writes in *Pathway of the Just* (Chapter 1).

נמצינו למדים, כי עיקר מציאות האדם בעולם הזה הוא רק לקיים מצוות  
ולעבוד ולעמוד בנסיון

*We have learned that the purpose of man in this world is only to perform Hashem's mitzvot, and to serve Him and to stand up to the challenges that seek to stop him from doing those things.*

This is why our conquering the evil inclination within ourselves to help our enemy load up his donkey trumps unloading our friend's donkey, even though the latter donkey is in distress and requires relief. The donkey was created to help man grow closer to Hashem, and since its suffering will help the person grow closer to Hashem by conquering his evil inclination, it is warranted. This is the purpose for which we were placed in this world.

In both of these cases the Torah is careful to specify that you must help **“with him.”** This teaches us that you are only obligated to help as long as he continues to work beside you; but should he say, “You have a mitzvah to do here, so I’m taking a break,” you have no obligation to continue loading or unloading. You are not his worker, you are his helper.

Rabbi Nosson Tzvi Finkel זצ"ל (of blessed memory) the Saba of Slabodka, once asked one of his students shortly after he was married, “Do you help your wife prepare for Shabbat?”

“Of course!” replied the student. “The Sages instructed us to take part in the preparations for Shabbat to show our respect for the Shabbat.”

Rabbi Finkel smiled and said to him. “The *only* reason to help your wife for Shabbat is to honor the Shabbat? What about the mitzvah in the Torah to help a man load or unload his donkey? How much more so do you have to help your wife, who has so many things to do for Shabbat and

has a deadline by which they must be done! Is there a greater mitzvah to help a fellow Jew than this?”

We see from this story that the mitzvah to load or unload doesn't apply only to a burdened animal. It is an example from which we are to learn and apply where appropriate. Consider all the opportunities that we have to overcome our natural laziness and evil inclination to help others and, especially, our spouses. You could help bring the groceries in from the car (or even go shopping), put them away, clean up the toys, sort and put away the laundry; the possibilities are endless. Remember also that the more difficult it is to offer the help, the greater the reward for doing so! Our applying these two mitzvot to all areas of our lives we would make a major dent in our evil inclinations, and we would build ourselves into great people, which is exactly what Hashem wants from us!

All Jews are siblings and are expected to treat each other as such. There is, however, a much deeper concept that unites all Jews. It is the concept of **כל ישראל ערבים זה לזה** – **All Jews are guarantors for each other**. While we may have heard this seeming cliché quoted many times, we often fail to appreciate the depths of this commitment.

Its source is in this week's portion.

The Jewish people were camped at Mount Sinai for six days before receiving the Torah. On the first few days prior to receiving the Torah, Moshe went up and down the mountain bringing messages from Hashem to the people and returning up the mountain with their responses. Hashem outlined His goals for the Jewish people – to be a kingdom of ministers and a holy nation – and they accepted. As the day before the Torah would be given approached, there was one last crucial piece that needed to be put into place. This piece was the **ברית**, the covenant between Hashem and the Jewish people and the Jewish people with each other (Exodus 24:4-8).

(ד) ויכתב משה את כל דברי ידוד וישכם בבקר ויבן מזבח תחת ההר ושתים עשרה מצבה לשנים עשר שבטי ישראל  
 (ה) וישלח את נערי בני ישראל ויעלו עלת ויזבחו זבחים שלמים ליהוה פרים  
 (ו) ויקח משה חצי הדם וישם באגנת וחצי הדם זרק על המזבח  
 (ז) ויקח ספר הברית ויקרא באזני העם ויאמרו כל אשר דבר יהוה נעשה ונשמע  
 (ח) ויקח משה את הדם ויזרק על העם ויאמר הנה דם הברית אשר כרת יהוה עמכם על כל הדברים האלה

*4) Moshe wrote all the words of Hashem (The Torah from Bereshit until this point). He rose early in the morning and built an altar at the foot of the mountain, and twelve pillars for the twelve tribes of Israel. 5) He sent the youths of the Children of Israel (the first born) and they brought up burnt-offerings, and they slaughtered bulls to Hashem as a feast peace offerings to Hashem. 6) Moshe took the blood and put it in basins, and half the blood he threw on the altar. 7) He took the Book of the Covenant and read it in earshot of the people, and they said, "Everything that Hashem said, we will do and we will obey!" 8) Moshe took the blood and sprinkled it upon the people, and he said, "This is the blood of the covenant that Hashem sealed with you concerning all these matters."*

The Midrash tells us that an angel came and divided the blood exactly in half. Half of the blood was for Hashem, and half for the Jewish people. Moshe asked Hashem, "What should I do with Your half of the blood?" Hashem said, "Sprinkle it on the people." When Moshe sprinkled it, a small drop of blood miraculously landed on every Jewish person present. "What should I do with their half of the blood?" Hashem said, "Throw it on the altar."

This was the covenant between Hashem and the Jewish nation, but the covenant required one more component to be complete. No person can live without the help of others. For the Jewish nation to properly fulfill their side of the covenant, they would have to be guarantors for each

other. Otherwise, it would be impossible to fulfill their side of the agreement. To this the Mechilta says:

מכלתא יתרו יט:י  
כיון שראה שקבלו עליהן נטל הדם וזרק על העם אי"ל הרי אתם קשורים ענובים  
ותפוסים מחר בואו וקבלו עליכם את כל המצות

*When he (Moshe) saw that they accepted this upon themselves, He took the blood and sprinkled it on the nation. He said to them. "Now you are tied, woven, and bound together. Tomorrow, come and accept the mitzvot."*

Now that the Jewish people had accepted responsibility for each other to keep all of the mitzvot, they were ready to receive them.

R' Meir Simcha Hakohen (1843-1926), in his work *Meshech Chochma*, reveals the true depth of this teaching.

משך חכמה על שמות פרק כד פסוק ג  
(ג) ויספר לעם את כל דברי ה' ואת כל המשפטים - דע דבני נח הוזהרו על הדינין  
(סנהדרין נו סע"א), ושיטת ראשונים (ע"י רמב"ן בראשית לד, יג) דהוא נמוסים שדעת  
האדם נותן עליהם, אבל לכוף ולרדות על חוקי התורה וגדריה הוא רק מצד שכל  
ישראל ערבים זה בזה, ואם יעבור אחד הוא מזיק לחבירו ולהכלל כולו, בזה יש לב"ד  
לכוף ולשפוט העובר את מצות השי"ת דבלא זה אין זה מהראוי שיתערב אחר במה  
שיש להאדם עם קונו

*You should know that even gentiles are commanded to have a court system that punishes for transgressions of the Seven Laws of Noach. However, this applies only to the logical laws that affect society (such as do not steal and do not murder). But a Jewish court can force one to perform a mitzvah or punish someone for transgressing even a Torah law between man and his Creator. The only rationale for this is that we are all responsible for each other, and if one person transgresses a law, he is hurting his fellow and the entire congregation. This is why the court is authorized to force one to perform a mitzvah or punish one for transgressing one of Hashem's mitzvot. Otherwise, it would be*

*inappropriate for the court to involve itself in private matters that are between a man and his Creator.*

Just as the 613 mitzvot comprise one unit, and each mitzvah is connected and complemented by every other mitzvah, so, too, the Jewish nation comprise a single whole. Each Jew is connected and intertwined with every other Jew, and our actions affect each other.

The Midrash provides a parable for this.

מדורש רבה ויקרא - פרשה ד פסקה ו  
תני רשב"י משל לבני אדם שהיו יושבין בספינה נטל אחד מהן מקדח והתחיל קודח  
תחתיו אמרו לו חבריו מה אתה יושב ועושה אמר להם מה אכפת לכם לא תחתי אני  
קודח אמרו לו שהמים עולין ומציפין עלינו את הספינה

*Rabbi Shimon ben Yochai taught. It is like some men who were in a boat. One of them took a drill and started drilling a hole in the boat under his seat. His friends said to him, "What are you doing?" He said to them, "What do you care, I'm drilling under where I am sitting!" They responded, "But the water that will come up through the hole will drown us all!"*

When we entered the covenant to be guarantors for each other, we accepted that we would do nothing that would hurt our fellow. We also accepted to see to it that each of our brothers and sisters fulfill their obligations to Hashem. This is why even matters between man and his Creator, which should be a personal matter between a person and Hashem, are subject to the court's intervention. Since we are all connected, there is no such thing as a personal matter.

Rabbi Moshe Cordevero (1522-1570) in his work *Tomar Devorah* explains how this works.

ספר תומר דבורה - פרק ראשון

כך יתנהג האדם עם חבירו, כל ישראל הם שאר בשר אלו עם אלו, מפני שהנשמות כלולות יחד, יש בזה חלק מזה ובזה חלק זה... וכן מטעם זה **כל ישראל ערבים זה לזה** (שבועות ל"ט, א') מפני שממש יש בכל אחד חלק אחד מחבירו, וכשחוטא האחד פוגם עצמו ופוגם חלק אשר לחבירו בו, נמצא מצד החלק ההוא, חבירו ערב עליו, אם כן הם שאר זה עם זה  
לכך ראוי לאדם להיות חפץ בטובתו של חבירו ועינו טובה על טובת חבירו וכבודו יהיה חביב עליו כשלו, שהרי הוא - הוא ממש. ומטעם זה נצטוינו (ויקרא י"ט, י"ח):

**ואהבת לרעך כמוך**". וראוי שירצה בכשרות חבירו ולא ידבר בגנותו כלל ולא ירצה בו. כדרך שאין הקב"ה רוצה בגנותנו ולא בצערנו, מטעם הקורבה, אף הוא לא ירצה בגנות חבירו ולא בצערו ולא בקלקולו וירע לו ממנו כאלו הוא ממש היה שרוי באותו צער או באותה טובה

*All of Israel are one family with each other, because their souls comprise one unit. Each person's soul has a part of all the other souls in it ... This is the reason that **All Jews are guarantors for each other**: since each person's soul actually has a part of his fellow's soul in him, when he sins, he hurts his soul and the part of his fellow's soul. It comes out that because his soul has that piece of his fellow's soul, he is a guarantor for it. Therefore, it is worthy of a person to want only good for his fellow, and to look out for the good of his friend. His friend's honor should be a precious to him as his own, because his friend is really him, and he is his friend. This is why we are commanded to love our fellow like ourselves. It is proper to want our friends to be upstanding and never to speak negatively about them.*

This is why our prayers and Torah and mitzvot are so vital to our brothers in Israel. The more we do, the more merit they have and the more good they will have and the more protected they will be.