

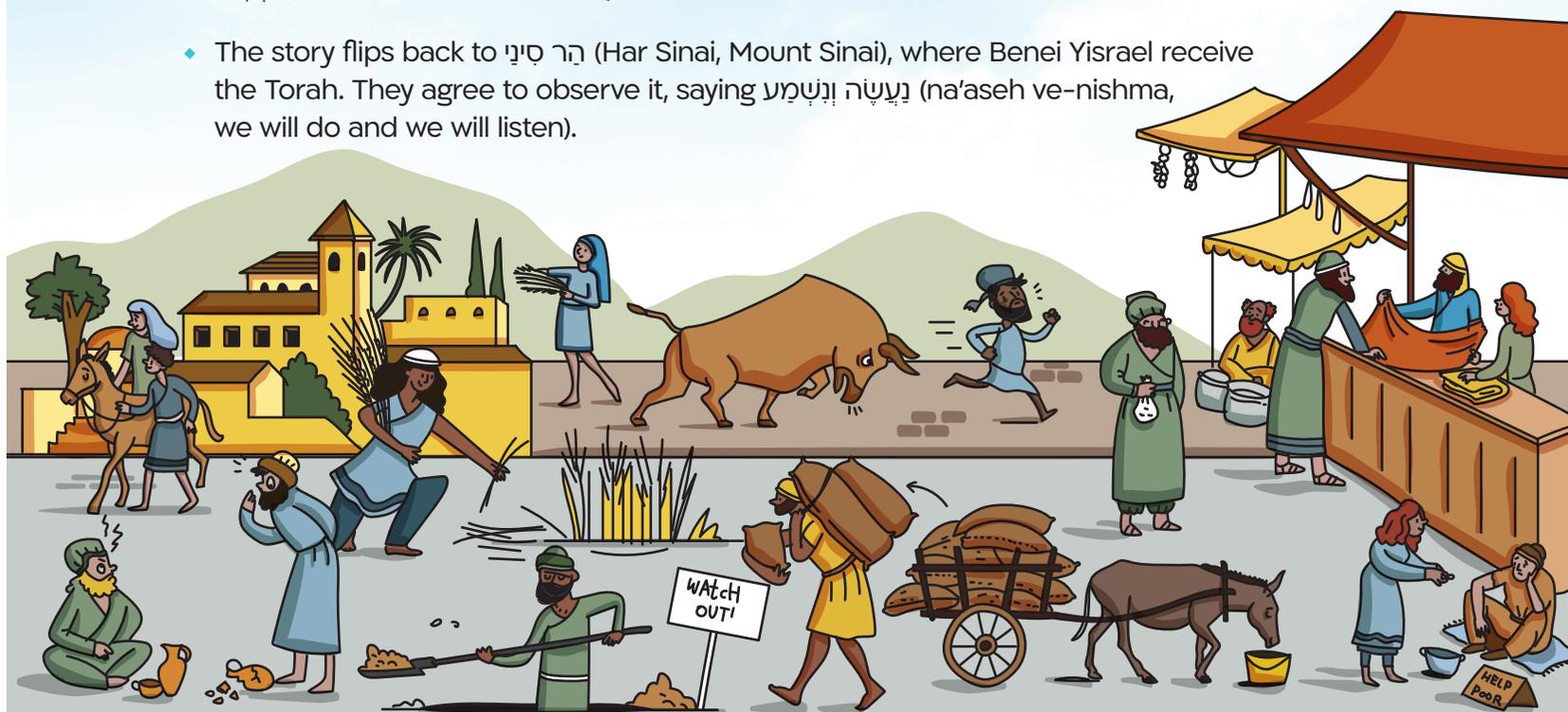


כ"א - כ"ז שבט תשפ"ב January 23 - 29, 2022



מִשְׁפָּטִים • In This Week's Parashah

- ◆ This parashah contains many laws dealing with work, money, property, and courts of law. For example, what happens when something that belongs to you causes damage to others? What if you borrow something, and then the thing you borrowed gets broken or stolen?
- ◆ The Torah emphasizes not to take advantage of גֵּרִים (gerim, strangers), since we, too, were gerim in מִצְרַיִם (Mitzrayim, Egypt). Widows, orphans, and people who are poor must be treated with compassion.
- ◆ Another principle is to help people even when you don't want to. If you see someone who had been your "enemy" struggling with something, you still have to help them.
- ◆ The seventh year will be a שְׁמִטָּה (shemittah, year of release), when farmers should not work their land. People who are poor may gather and eat whatever grows in the fields.
- ◆ בְּנֵי יִשְׂרָאֵל (Benei Yisrael, the Israelites) will celebrate Pesah, Shavuot, and Sukkot at the בֵּית הַמִּקְדָּשׁ (Beit Ha-Mikdash, Temple in Jerusalem).
- ◆ The story flips back to הַר סִינַי (Har Sinai, Mount Sinai), where Benei Yisrael receive the Torah. They agree to observe it, saying נַעֲשֶׂה וְנִשְׁמָע (na'aseh ve-nishma, we will do and we will listen).





מִדְרָשׁ • Midrash

At the end of our parashah, Moshe goes up to הר סיני (Har Sinai, Mount Sinai) to receive the לוחות (luhot, tablets) from God. Here's a midrash that imagines what the angels had to say about this event.

Midrashim are ideas or stories that explain the Torah. They often come from listening very carefully to what the Torah says and how it says it. Here, we will look for what clues this midrash sees in the Torah's words, and try to understand its messages.

Talmud Bavli Shabbat 88b-89a

Said Rabbi Yehoshua ben Levi:
When Moshe went up to the heavens the angels said to God: Master of the world, what is a human doing up here with us?



God said to them: He came to receive the Torah.



The angels replied: ...You want to give the Torah to human beings?!



...God said to Moshe:
You answer them...



Moshe said to God: Master of the world, doesn't the Torah You are giving me say "I am God, Who took you out of Egypt"?



Moshe said to the angels: "Did you go down to Egypt? Were you enslaved to Pharaoh? Why should the Torah be yours?!"



...What else is written in it? "Remember the Shabbat day to sanctify it"—do you do work so that you need Shabbat?

...What else is written in it? "Honor your father and your mother"—do you even have a father or a mother?"



Immediately the angels agreed with the Holy One.

תלמוד בבלי שבת דף פח עמוד ב - דף פט עמוד א

אמר רבי יהושע בן לוי:
בשעה שעלה משה למרום
אמרו מלאכי השרת לפני הקדוש ברוך הוא:
רבנו של עולם, מה לילוד אשה בינינו?

אמר להן: לקבל תורה בא.

אמרו לפניו: ...מבקש ליתנה
לבשר ודם?

...אמר לו הקדוש ברוך הוא למשה:
החזיר להן תשובה....

אמר לפניו: רבנו של עולם, תורה שאתה
נותן לי מה כתיב בה? "אנכי ה' אלקיך
אשר הוצאתיך מארץ מצרים."

אמר להן: למצרים ירדתם? לפרעה
השתעבדתם? תורה למה תהא
לכם?!

...שוב: מה כתיב בה? "זכור את יום
השבת לקדשו" — כלום אתם עושים
מלאכה, שאתם צריכין שבות?

...שוב: מה כתיב בה? "כבד את
אביך ואת אמך" — אב ואם יש
לכם?

מיד הודו לו להקדוש ברוך הוא.



- ◆ Why did God tell Moshe, "You answer them"? Why didn't God explain God's reasoning?
- ◆ Try to act out this midrash! Get into character, and argue both the angels' side and Moshe's side.
- ◆ In this story, we see Moshe's arguments based on three of the עֲשֶׂרֶת הַדִּבְרוֹת (Aseret Ha-Dibrot, Ten Commandments). Can you think of arguments that Moshe could have made to the angels from the other seven dibrot? (See Shemot 20:1-14.)



פְּרָשְׁנוֹת • Commentary

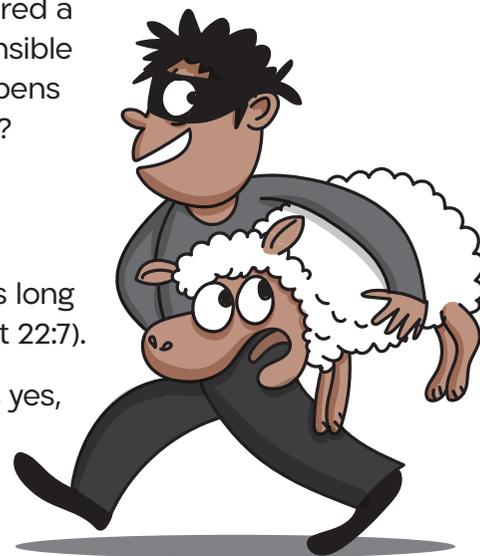
If you are taking care of someone else's stuff, you are considered a שׂוֹמֵר (shomer, guardian), and that means you could be responsible if something happens to the thing you're watching. What happens if you are a shomer, and the thing you're watching gets stolen? Should you be held responsible for that?

It's fascinating that the Torah seems to go both ways.

First, it says that the shomer **is not** responsible to pay for it (as long as the shomer swears in court that they didn't steal it; Shemot 22:7).

But then, a few pesukim later (Shemot 22:9-11), the Torah says yes, the shomer **is** responsible to pay!

Our פְּרָשְׁנִים (parshanim, commentators) explain that a shomer is sometimes responsible to pay, and sometimes not.



Rashi (France, 1000 years ago)

The first section is about an unpaid shomer, who is therefore free of responsibility for theft... This [second] section is about a shomer who is paid, and is therefore not free from responsibility if the object is stolen.

רש"י

פְּרָשָׁה רֵאשׁוֹנָה נֶאֱמָרָה
בְּשׂוֹמֵר חֲנָם, לְפִיכָּהּ פֶּטוּר
בּוֹ אֶת הַגְּנֵבָה... וּפְרָשָׁה זֹאת
אֵמֹרָה בְּשׂוֹמֵר שָׂכָר, לְפִיכָּהּ
אֵינוֹ פֶּטוּר אִם נִגְנְבָה.

- ◆ Why do you think that being paid would give a shomer extra responsibility?

Rashbam (France, 950 years ago)

The first section... refers to objects that are commonly kept inside the house, and that were given to the shomer to take care of as they would take care of their own belongings...

But the second section says, "when a person gives to their neighbor a donkey..." Since animals spend a lot of time outdoors, we assume that the owner only allowed the shomer to watch the animals on condition that the shomer would be extra careful to protect them from thieves. So, if they were stolen, the shomer is responsible.

רשב"ם

פְּרָשָׁה רֵאשׁוֹנָה...
מְטַלְטְלִין הֵם וְלִשְׂמֹרָם
בְּתוֹךְ בֵּיתוֹ כְּשֶׂאֵר חֶפְצָיו
נִתְּנָן לוֹ...

אָבֵל פְּרָשָׁה שְׁנִיָּה שְׂכָתוּב
בָּהּ "כִּי יִתֵּן אִישׁ אֶל רֵעֵהוּ
חֲמֹר... ", וְזָרָה בְּהֵמוֹת
לְרְעוֹת בְּשָׂדֵה, וְדָאִי
כְּשֶׂהֶפְקִידָם עַל מְנַת
לְשְׂמֹרָם מִגְּנֵבִים הֶפְקִידָם
לוֹ, וְלִכֵּן אִם נִגְנְבוּ חֵיב.

- ◆ What is the difference between guarding something inside vs. outdoors? Why would that change the level of responsibility?
- ◆ What is each parshan saying about watching other people's belongings?
- ◆ Does one of these interpretations seem more logical to you? Which one do you think is more convincing when you look at the pesukim?





הלכה • Halakhah



If you find a lost item, there is a mitzvah to return it to its owner. This is called **הַשְׁבַּת אֲבֵידָה** (**hashavat aveidah, returning something lost**) and it is first mentioned in our parashah.

Shemot 23:4

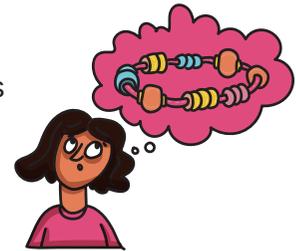
If you come upon your enemy's bull or donkey lost and wandering, you shall surely return it to him.

שמות כג:ד

כִּי תִפְגַּע שׁוֹר אִיבֶיךָ אוֹ חֲמֹרוֹ
תָּעָה הַשֶּׁבַע תְּשִׁיבֵנּוּ לוֹ:

Later, in Devarim (22:3), the Torah explains that you should return any lost item that you find, not just a lost animal, and not just if the owner is your enemy.

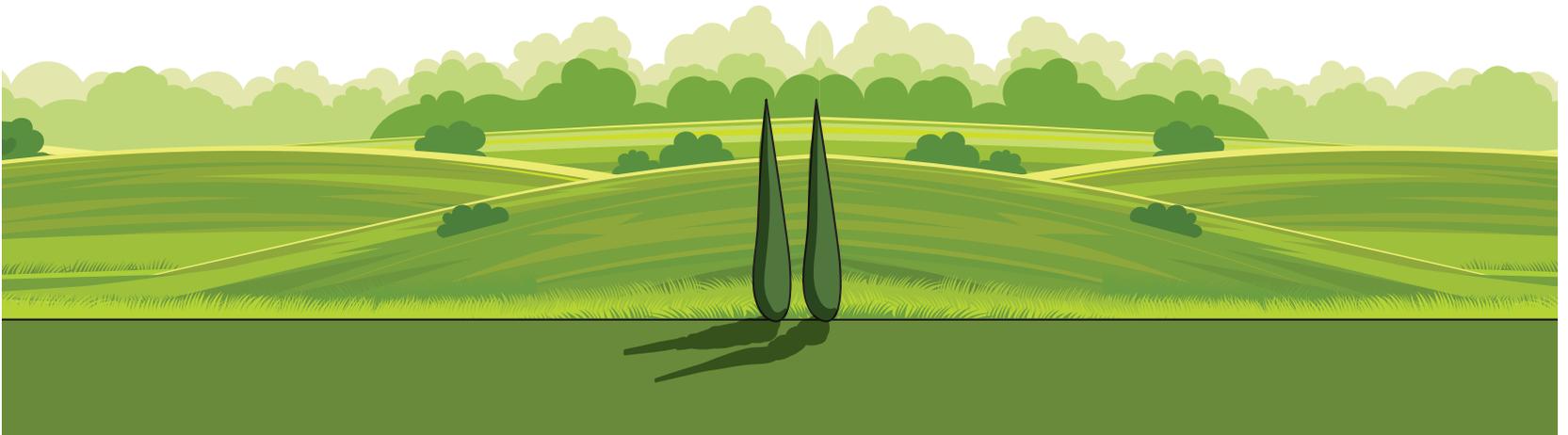
The Mishnah helps us understand when to perform hashavat aveidah. The main question is: will the owner still be likely to hope to get their item back? If you find something that has identifying signs (like a name on it, or if it has an unusual shape, or if it has unique markings, or if it was placed in a very particular position), then you can assume the owner is hoping it will be returned. You should do whatever you can to try to find the owner.



But if the item you find has no signs, like if it's a dollar bill on the street (that looks like every other dollar bill in the world, and could have come from anyone), then you can assume the owner probably gives up, so you don't have to return that (Mishnah Bava Metzia 2:1-2).



- ◆ The Shulhan Arukh says that if it looks like an item was placed somewhere on purpose, you should not pick it up and try to return it (Hoshen Mishpat 260:9).
- ◆ If you find a wallet on Shabbat, or any other item that should not be moved on Shabbat, the Shulhan Arukh says to leave it where you found it, even though someone else may take it (Orah Hayyim 266:13).





קָה דָה • What's Going On Here?

After six years of work, an עֶבֶד עִבְרִי (eved ivri, Hebrew slave) is supposed to go free. If the eved chooses to remain enslaved, the owner is told to pierce the eved's ear against a doorpost.

What's the meaning of this ritual?

- ◆ **Rashbam** says the ear piercing is so that everyone will know this person is an eved.
- ◆ **Hizkuni** says it helps prevent the eved from being able to run away. An owner would be able to identify their eved by measuring the height of the eved's ear compared to the hole in their doorway.
- ◆ **Rashi** (quoting a midrash) says the piercing is a punishment. For what? It could be a punishment for choosing to remain in slavery. On הַר סִינַי (Har Sinai, Mount Sinai), God specified that all of Benei Yisrael are servants to God, not to human beings. The hole in the eved's ear is a punishment for choosing to use one's ear to obey a human master instead of God.



רָגַע שָׁל עִבְרִית • A Moment of Hebrew

Shemot 22:5

When a fire is started and spreads to thorns, and it consumes **stacked grain**, or standing grain, or a field, the person who started the fire must pay for the damage.

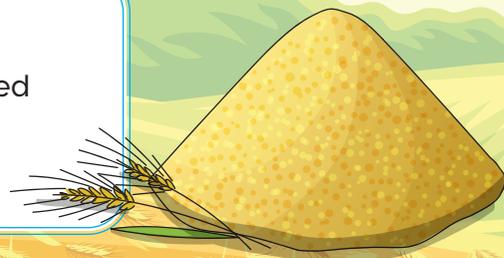
שמות כב:ה

כִּי־תִצָּא אֵשׁ וּמְצָאָהּ קִצִּים
וְנָאֵכַל נְדִישׁ אוֹ הַקֶּמֶה אוֹ
הַשָּׂדֶה שְׁלֵם יִשְׁלֵם הַמִּבְעֵר
אֶת־הַבְּעֵרָה:

נְדִישׁ (שָׁרֵשׁ ג.ד.ש)

- ◆ A pile of grain that has been harvested
- ◆ Abundance, congestion

(gadish)





= כף גְּדוּשָׁה
Heaped tablespoon
(kaf gedushah)

= הִגְדִּישׁ אֶת הַסֵּאָה
Totally overdid it
(higdish et ha-s'ah)



= גִּדְשׁ בָּאֵף
Stuffy nose
(godesh ba-af)

Find the Word!

Here's an example from Sefer Shoftim (chapter 15). When Shimshon wanted revenge against the Philistines, he took 300 foxes and put burning torches into their tails. Then the foxes ran around and set fire to many fields. Can you find the word גִּדְשׁ in this story? (Hint: look at Shoftim 15:5.)



דְּבַר שֶׁל דֵּינָא • One-Minute Debate

How to play:

Here is a topic for debate along with some suggested arguments, but feel free to come up with your own.

- ◆ Assign people to the "true" or "false" sides.
- ◆ Each side gets 30 seconds to make their case.
- ◆ At the end, the group votes on a winner.

Debate: never agree to something before you read the fine print.



True!

- ◆ You have to know what you're committing to ahead of time.
- ◆ If you just agree to something, you can't complain later if it doesn't work out how you expected.

False!

- ◆ When Benei Yisrael said נַעֲשֶׂה וְנִשְׁמָע (na'aseh ve-nishma, we will do and we will listen), they went with their intuition, accepting God's laws even before they knew what they were. Best decision they ever made!
- ◆ When it's someone you love and trust, it doesn't matter what the fine details are—you just want to do anything you can.





שאלות השבוע • Parashah Scavenger Hunt

The answers to the first seven questions can be found in the matching numbered aliyah in the Torah reading. **The answers to the last three are harder and can come from anywhere in the parashah.**

aliyot:

- 1) Shemot 21:1 to 21:19
- 2) 21:20 to 22:3
- 3) 22:4 to 22:26
- 4) 22:27 to 23:5
- 5) 23:6 to 23:19
- 6) 23:20 to 23:25
- 7) 23:21 to 24:18

Good luck!

1 If a Hebrew slave wants to remain with his master for more than six years, what must he do to his body?

2 If you steal an ox and slaughter it or sell it, what do you have to pay back to the owner?

3 If you are guarding an animal for someone and it gets killed by a wild animal, what do you need to show the owner to avoid paying for it?

4 What must you do if you find your enemy's donkey and it is lost?

5 What are the names of the three major annual holidays in our parashah?

6 Who is going to protect the people on their journey?

7 How many pillars did Moshe set up?

8 Other than the six years of slavery, what are the three other sixes in our parashah?



9 What animal with wings is mentioned in our parashah?

10 Who is supposed to help Aharon with any problems that come up while Moshe is on the mountain?

*
Look for the answers on page 12!





טַעֲמֵי הַפְּקָרָא • Torah Trop

Pazeir

פַּזֵּיר

Pazeir is a special note that appears only a handful of times in each parashah. There are a few parashiyot where it doesn't appear at all! The note looks like a backwards number four. It comes from the word to spread out, and that's how it sounds. It goes up very high and then comes back down, covering lots of notes along the way. There are three places in the Torah where two pazeir notes are back-to-back, and one of these instances is in our parashah:



שמות כב:

עַל-כָּל-דְּבַר-פֶּשַׁע עַל-שׂוֹר

Shemot 22:8

In all charges of wrongdoing, pertaining to an ox

There is one other pazeir in our parashah. Can you find it?



QUICK FACTS

1

How many times does it appear in the Torah?

159 - Unusual

Approximately every 40 pesukim

2

Does it end a phrase?

Yes

3

Is it above or below the word?

Above

4

Is it placed on the accent?

Yes (so the word is pronounced with emphasis where the pazeir appears)



בואו נדבר על זה • Tell Me More About This!

Rashi, in this week's פְּרָשָׁנוּת / Parshanut section (p. 3), based his interpretation on different categories of שׁוֹמְרִים (shomrim, guards). Actually, according to the Talmud, there are four categories of shomrim.

Here are some everyday examples. Try to notice whether there is money paid to the shomer, by the shomer, or whether there is no payment at all. How does this seem to affect the responsibility of the shomer?

שׁוֹמֵר חִנָּם / shomer hinam
A guard who is not paid



Hey, Chana, can you just look after my backpack while I go to the bathroom?

No problem, Dani!



I promise I didn't do it!

THE BACKPACK GETS LOST OR DAMAGED → CHANA CAN PROMISE THAT SHE DIDN'T TOUCH IT AND THEN SHE IS OFF THE HOOK



שׁוֹמֵר סָכָר / shomer sakhar
A guard who is paid to look after something



Talia, can you please look after my lunch bag? I'll give you one of my cookies...

Ok, Sammy, deal! This cookie is yummy.



THE LUNCH BAG GETS LOST OR DAMAGED → IF TALIA DIDN'T DO A GOOD JOB LOOKING AFTER IT, SHE NEEDS TO PAY FOR IT



שׁוֹאֵל / sho'el
One who borrows an item to use it



Rachel, do you have a pencil I can borrow?

Here, Avi, you can use mine.



THE PENCIL FALLS OUT OF AVI'S HAND AND OUT THE WINDOW → AVI NEEDS TO GIVE RACHEL ANOTHER PENCIL



שׁוֹכֵר / sokher
One who rents an item to use it



I need a lawnmower to do my chores this weekend. I'll give you a cookie if you let me use yours.

Ok, Hillel, deal! This cookie is yummy.



A GUST OF WIND BLOWS THE LAWNMOWER OFF A CLIFF → HILLEL DOESN'T NEED TO REPLACE IT





מי היו חכמינו • Who Were Our Sages?

Rabbi Shmuel ben Meir, known as the **Rashbam** (ר' שמואל בן מאיר), was Rashi's grandson and one of the most important פְּרָשָׁנִים (parshanim, commentators) of all time. Just like Rashi, he wrote explanations to the Torah and the Talmud which are used even today.

Rashbam was really committed to פְּשָׁט (psbat, the simple meaning of a verse). He aimed to read the pesukim of the Torah as they are, without introducing too much interpretation from other sources. Often, he ended up with a reading that contradicted his grandfather, Rashi! What's so cool is that he writes that he actually discussed his differences of opinion with Rashi directly, and he says that Rashi expressed appreciation for Rashbam's approach.



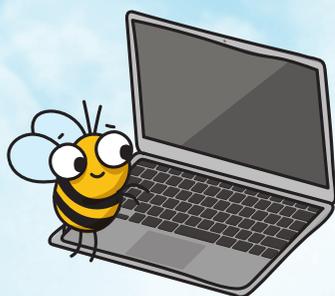
Parashah Scavenger Hunt Answers:

1. Get his ear pierced (21:6)
2. Five oxen (21:37)
3. The actual body of the animal that got attacked (22:12)
4. Return it! (23:4)
5. חג המצות (Hag Ha-Matzot, the matzah holiday), חג הקציר (Hag Ha-Katzir, the harvest holiday), חג האסיף (Hag Ha-Asif, the gathering holiday) (23:15-17)
6. A מלאך (malakh), which either means an angel or perhaps a messenger like Moshe (23:20)
7. 12—for the 12 tribes of Israel (24:4)
8. Six years of planting before one year of letting the land rest (23:10); six days of work before resting on Shabbat (23:12); six days of the cloud on the mountain before Moshe is called up (24:16)
9. הצרעה (ha-tzir'ah, the wasp) (23:28)
10. Hur—we don't yet know anything about who this is! (24:14)



Shabbat Shalom!

~ שבת שלום ~



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