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BESHALLAH
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PEKUDEI

Because learning Torah is sweet

מִשְׁפָּטִים
Mishpatim

DeVAsH

ב"ה שְׁבָט - א' אֲדָר א' תשפ"ד February 4 - 10, 2024

מָה בַּפָּרָשָׁה • 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 accidentally lose or break something that you borrowed from someone else?
- The Torah emphasizes not to cause distress to 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, you still have to help them.
- Every seventh year will be a שְׁמִטָּה (shemittah, year of release), when no one can farm their land. People who are poor may gather and eat whatever grows in the fields.
- Benei Yisrael must celebrate Pesah, Shavuot, and Sukkot at the בֵּית הַמִּקְדָּשׁ (Beit HaMikdash, Temple in Jerusalem).
- The Torah finishes describing what happened at הַר סִינַי (Har Sinai, Mount Sinai), where Benei Yisrael receive the Torah. They agree to observe it, saying נַעֲשֶׂה וְנִשְׁמַע (na'aseh ve-nishma, we will do and we will listen), and Moshe spends 40 days and 40 nights on top of the mountain.



מִדְרָשׁ • Midrash

How do your past experiences affect your actions?



Shemot 22:20

You shall not do wrong to a ger (stranger) or oppress them, for you were gerim (strangers) in the land of Mitzrayim (Egypt).

שמות כב:כ

וְגֵר לֹא תוֹנֶה וְלֹא תִלְחָצֶנּוּ
כִּי גֵרִים הֱיִיתֶם בְּאֶרֶץ מִצְרָיִם:

A midrash explains why the Torah says we should be kind to gerim because we were gerim ourselves.

Talmud Bavli Bava Metzia 59b

(Based on this pasuk) R. Natan would say: When you have a fault, don't point it out in your friend.

תלמוד בבלי מסכת בבא מציעא דף נט עמוד ב

רַבִּי נָתָן אוֹמֵר, מוּם שֶׁבְּךָ אַל תֹּאמַר לַחֲבֵרְךָ.

Although we might not think of being a ger as a "fault," or a bad thing, R. Natan learns from this pasuk that we must use our past to be more sensitive to others. In this case, we can understand what it means to be a ger in a foreign land, and so we must be helpful to others who are in that situation.

- What does it feel like when you see others struggling with the challenges that are also hard for you?
- When you get frustrated with other people, are you able to have compassion by seeing that you have faults too?
- What are ways you can use your own personal history or your family history to help people in situations that are similar to your own?







דַּקָּה שֶׁל דִּיּוּן • One-Minute Debate

Debate: Don't dwell on the past.

How to play:

- Here are some arguments to get you started, but try to come up with your own. Then debate someone!
- For a true one-minute debate, give each side 30 seconds to make its best case.





Agree!

- If you get too stuck on the past, it's hard to enjoy the present.
- There are things in the past it's sometimes best to just forget about.

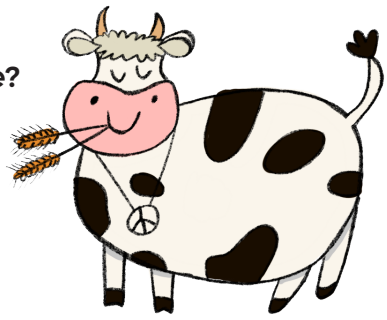


Disagree!

- Our past experiences make us who we are.
- We can use our past—even tough times—to be more sensitive to others and help take care of them.



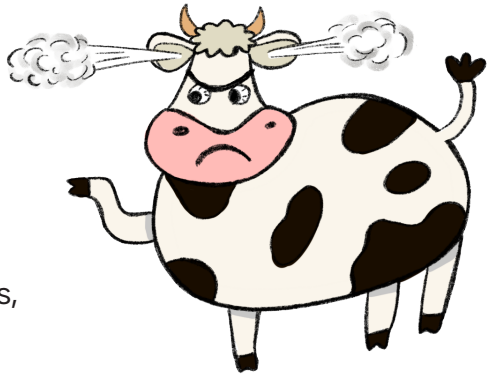
מִשְׁנָה • Mishnah



What happens when an animal of yours causes damage? How much is it your fault if your animal does something you couldn't have known it would do?

Our parashah talks about farmers who might have owned oxen. An ox is usually very gentle, and it's called a **שׁוֹר תָּם (shor tam, harmless ox)**. If you have an ox like that and it gores another ox and kills it, that would be a huge surprise! Because you couldn't have expected that behavior, you would only have to pay for half of the damages. (Shemot 21:35)

But if your ox gores another ox three times, then it's called a **שׁוֹר מוּעָד (shor mu'ad)**, which means it has already shown that it does lots of damage, and you should know better already. So if it gores another ox and kills it, you are completely responsible, and you have to pay for the full damages. (21:36)



Our Rabbis apply the category of mu'ad to many living things, including humans!

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Content and editing by Shoshie Lockshin, Jason Rogoff, Jeremy Tabick, Ethan Tucker, and Effy Unterman.
Design by Jen Klor. Illustration by Rebecca Kerzner.

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Mishnah Bava Kamma 2:6

A person is always considered mu'ad, whether they cause harm by accident or on purpose, and whether they are awake or asleep.

מסכת בבא קמא פרק ב משנה ו

אָדָם מוּעָד לְעוֹלָם, בֵּין שׁוֹגֵג בֵּין מֵזִיד, בֵּין עֵר בֵּין יָשֵׁן.

This means that people are always 100% responsible for the things they do, even if they didn't mean to do it.

- Why is that fair? Why are we responsible even if we cause harm in our sleep?
- If oxen are considered harmless the first three times they gore, why shouldn't that same thing apply to humans? What does this teach us about how we must view ourselves and what we're capable of doing?
- What does it feel like to never be able to say, "It's not my fault"? What does this teach us about how careful we have to be with our actions?





בּוֹאוּ נְדַבֵּר עַל זֶה • Tell Me More About This!

Our parashah describes a situation where a person (we'll call them a perpetrator) causes an injury to another person. The perpetrator has to pay for their victim's medical bills, and also has to pay for whatever money the victim lost when their injury prevented them from working (Shemot 21:18–19).

The Mishnah (Bava Kama 8:1) teaches that there are a total of five kinds of payments a perpetrator would have to pay to the victim:

1. נֶזֶק (nezek, permanent damages)

Nezek is payment for permanent damage, like if the victim lost an arm or an eye or the use of their fingers. This is the amount of money that person could have made in their lives if they still had use of the limb they lost. So a pinky finger is worth more to a concert pianist (who uses their pinky to play the piano) than to a soccer player (who uses their feet). (Tur, Hoshen Mishpat, 420:17)





2. צַעַר (tza'ar, pain)

How much does pain cost? The Mishnah suggests that you ask someone else who is similar to the victim how much you would have to pay them to make them feel that much pain.



3. רִפּוּי (ripui, medical expenses)

This covers all of the victim's medical bills as they recover to health.





4. שֶׁבֶת (shevet, time off work)

When there is permanent damage, nezek already covers the amount the victim would have made if they still had the limb they lost. That's a lot of earnings over a lifetime! Shevet is an additional payment on top of that. It's the amount the victim might have been able to make at the lowest-paying kind of job for the amount of time it takes them to recover from their injuries.

5. בּוֹשֶׁת (boshet, humiliation)

Sometimes, getting physically hurt also causes emotional or psychological pain, like if a person was embarrassed by their injury. The perpetrator has to pay for that damage as well.



If you add up all of these five different payments, it could be a lot of money! So watch out and try not to injure anyone.

- Why do you think injuring someone should lead to so much payment?
- How can you measure someone's pain? How can you measure their embarrassment? How can we put a monetary amount on this?

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שְׁאֵלוֹת הַשָּׁבוּעַ • Parashah Scavenger Hunt

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

haftarah for Shabbat Rosh Hodesh:
Yeshayahu 66:1-24

The answers to the first seven questions can be found in the matching numbered aliyah in the Torah reading. The answers to questions 8 and 9 are harder and can come from anywhere in the parashah. The answer to question 10 is in this week's haftarah.

Good luck!



1. If a Hebrew slave wants to remain with his master for more than six years, what must be done to his body?
2. What happens if my ox kills your ox (and my ox has no history of violence)?
3. Who hears when an orphan cries?
4. What must you do if you find your enemy's donkey and it is lost?
5. What kind of cooking is forbidden?
6. Who is going to protect the people on their journey?
7. How many pillars did Moshe set up?





8. Which sets of brothers are mentioned in our parashah?
9. What are the four times the number 6 is mentioned in the parashah?
10. **From the haftarah:** Who will rejoice with Yerushalayim?

* Look for the answers on page 8!

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When you say, "I sat under a tree while eating lunch," you could really be talking about any tree. But if you say, "I sat under **the** tree while eating lunch," you are talking about a specific tree that maybe your listener is expected to know about. (The fancy term for this is "the definite article.")

In Hebrew, it's much simpler: You just add the letter ה (hei) to the beginning of the word. This is known as ה"א הַיְדִיעָה (hei ha-yediah). Right at the start of our parashah we hear:

וְאֵלֶּה הַמִּשְׁפָּטִים

Ve-eilah **ha**-mishpatim
And these are **the** laws



What vowel goes under this letter hei? Most of the time, it is what you see above: a patah, the little flat line right under the hei.

But if hei ha-yediah has to go before a letter that comes more from your throat—like א (aleph), ה (hei), ח (het), ע (ayin), or ר (reish), also known as the אוֹתִיּוֹת גְּרוֹנִיּוֹת (otiyot geroniyot, throaty letters)—then sometimes the vowels change. Here are a few examples, some from our parashah:

Before an aleph or a reish, the hei ha-yediah has to take a kamatz

הָרֶכֶב הָאָסִף

Before another hei or het that have a kamatz, hei ha-yediah usually takes a segol

הַחָצֵר הֶהָרִים

When an ayin comes after hei ha-yediah, it usually depends on the vowel under the ayin

הָעֵבֶד הָעָנָן

There are some other exceptions to these rules, but now you should be good to go hei hunting. Can you find other examples of hei ha-yediah in this week's parashah? What vowels do you see?

הַפְטָרָה • Haftarah

This Shabbat is also Rosh Hodesh, when we celebrate a new month on the Jewish calendar. The new month we're beginning is Adar Alef.

Any time Rosh Hodesh falls on Shabbat we read a special haftarah from the נָבִיא (navi, prophet) Yeshayahu. It's a vision of hope and salvation, and it ends with the promise that, in a more perfect future, all nations will recognize God and come to Yerushalayim:

Yeshayahu 66:23	**ישעיהו סו:כג**
And new moon after new moon, And Shabbat after Shabbat, All flesh shall come to worship Me —said God.	וְהָיָה מִדֵּי חׇדֶשׁ בְּחׇדְשׁוֹ וּמִדֵּי שַׁבָּת בְּשַׁבַּתּוֹ יָבוֹא כָל בָּשָׂר לְהִשְׁתַּחֲוֹת לְפָנַי אָמַר ה׳:

This pasuk connects Rosh Hodesh to Shabbat, so that's one obvious reason we read this haftarah on Rosh Hodesh that falls on Shabbat.

As you read or listen to the haftarah, can you notice ideas that connect to women? Yeshayahu describes Yerushalayim using feminine language:

שִׂמְחוּ אֶת יְרוּשָׁלַיִם וְגִילוּ בָהּ
Rejoice with Yerushalayim and be glad for her (Yesharahu 66:10)

In addition, the haftarah talks about:

- A woman giving birth (66:7-9)
- A woman breastfeeding a baby (66:11)
- A mother comforting her child (66:13)

These images might be another reason that this haftarah is a good choice for Rosh Hodesh. According to a midrash (Pirkei de-Rabbi Eliezer 45), Rosh Hodesh was a gift given to women in particular, as a reward for not giving their jewelry to build the עֵגֶל הַזָּהָב (eigel ha-zahav, golden calf)!



Parashah Scavenger Hunt Answers:

1. His ear gets pierced (21:6)
2. We sell both the oxen and split the value (21:35)
3. God (22:22)
4. Return it! (23:4)
5. Cooking a calf in its mother's milk (23:19)
6. A מַלְאָךְ (malakh, angel or messenger) (23:20)
7. 12—for the 12 tribes of Israel (24:4)
8. Moshe and Aharon; Nadav and Avihu (24:1)
9. Six years of work for a Hebrew slave before being freed (21:2); 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)
10. Those who love Yerushalayim and those who mourned for Yerushalayim (Yeshayahu 66:10)