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**Parshat Mishpatim (Shekalim)
5770**

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**RAV HERSHEL SCHACTER,
ROSH KOLLEL OF RIETS AT YNA!**

Yeshivat Netiv Aryeh is proud to welcome Rav Herschel Schechter, Rosh Kollel of RIETS who will be our guest for Shabbat.



IN CASE YOU MISSED IT

Nachum Segal Presented JM in the AM Live from the Yeshiva building. Among the many guests stopping by were Eitan Katz (5761-62) who played live music, Yaacov Katz, the defense and military correspondent for the Jerusalem Post, Malcolm I. Hoenlein, Executive Vice Chairman of Conference of Presidents of Major American Jewish Organizations, and Rabbi Ally Ehrman of the Yeshiva. [Listen to the archived broadcast!](#)

ALUMNI SHABBATON: The Annual Alumni Shabbaton will be Parshat Vayakhel-Pekude/HaChodesh, March 12-13 in Woodmere. Please register as soon as possible - [Click here!](#) For more information, email Sam Bienenfeld and Laizer Albert at shabbaton@yna.edu. In addition to Rav Bina we will be joined by Rav Amos Luban, Rav Chizkiyahu Nebenzahl, Rav Yoel Rackovsky, Rav Zvi Ron, Rav Ami Merzel and Rav Ariel Cohen!



ALUMNI IN NY: This week's Alumni Melave Malke will be at 8:30pm at the home of Sam Kollander, 529 Clubhouse Road in Woodmere. For more information, contact mm@yna.edu.

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Hakarat Hatov to our Alumni in Israel and their Families by Danny Pincus, Shana Alef (Hasmonean High School)

Shana Alef spent this past Shabbat (Parshat Yitro) in the homes of YNA alumni scattered throughout Eretz Yisrael. I had the privilege of spending Shabbat in the home of Michael (5758) and Rachel Schultz in the Carmiel region of the Galil. What a great experience it was to be so warmly welcomed into the homes of alumni from past years. It was so heartwarming to realize that many years down the road we will still feel a part of this wonderful family known as Netiv Aryeh. On behalf of my Shana Alef mates, I would like to thank the alumni and their families (especially the wives) for opening their homes to us and giving us a true taste of good old Israeli hospitality.



YNA Flag Football Team in the Semi-Finals!

This coming Motzaei Shabbat, the Yeshivat Netiv Aryeh football team "NCSY Burgers Bar", will square off against rival powerhouse "TJ" and attempt to make Netiv Aryeh history as being the first to compete in the "Holyland Bowl", the AFI championships. NCSY Burgers Bar led by quarterback Duvi Shapiro (5766-67) is this year's cinderella team as no one expected them to still be alive this late in the season. But with two huge playoff victories, one against Neve Yerushalayim led by the incredible performance of tight-end Etai Stern (Shana Bet), and a victory over Jerry's Kids (Medrash Shmuel) led by the performance of wide receiver Oren Leben [Shana Aleph] which people have not stopped talking about (3 touch downs), the team finds itself this Motzaei Shabbat at ten-thirty competing in the semifinals. Many of the guys in Yeshiva plan to make the trip to Kraft Stadium and cheer their cinderella team on. Come cheer them on! We wish our players much success ... this may be a championship year.



HaRav Nebenzahl on Parshat Mishpatim

HaRav Nebenzahl asks that his Divrei Torah are not read during Tefillah or the Rabbi's sermon

Printer Friendly Sicha

JUDGMENT

BEIT DIN SHEL MATA VS. BEIT DIN SHEL MALA



The parsha opens with the words: "ve-ele hamishpatim asher tasim lifneihem" "and these are the ordinances which you shall place before them" (Shmot 21:1). What does the Torah mean by lifneihem "before them" - before whom? The Gemara explains that "them" refers to talmidei chachamim who are qualified to judge and not to the man in the street who is not qualified. Such people must bring their case to a proper Beit Din. Another derivation of "before them" is that it must be before a Jewish court.

Perhaps we can add our own interpretation which I believe is consistent with the above understanding of Chazal. Hashem was telling Moshe that he must place the ordinances "before them" - before human judges. At the time that Moshe was commanded, he was in heaven with the angels. Hashem was informing him: "don't think the ways of justice you have witnessed up here are applicable down below, rather 'these are the ordinances that you must place before them'". The laws of heaven may be more exacting regarding who to award in a dispute and the precise nature of reward and punishment, yet this is beyond the capability of a human judge. Beit Din Shel Mala (The heavenly courts) are able to render a judgment which differs for each individual. Beit Din Shel Mata (human courts) are only able to exact judgment in a more general sense.

An example of this we find in this week's parsha:

"if an ox shall gore a man or woman and he shall die, the ox shall surely be stoned ... if it was an ox that gores habitually from yesterday and the day before yesterday, and its owner had been warned but did not guard it, and it killed a man or woman, the ox shall be stoned and even its owner shall die." (Shmot 21:28-29).

The Torah continues:

"When an atonement-payment shall be assessed against him, he shall pay as redemption for his life whatever shall be assessed against him" (ibid. 30).

Chazal explain that the owner's death mentioned above is referring to mita bidei shamayim - lit. death at the hands of heaven. Earthly courts, however, assess a payment which the owner must pay the family of the deceased as atonement because an animal in his possession killed a human being. The payment is not reparation for damages incurred but rather serves as atonement. Only the heavens are able to assess the level of negligence involved and therefore mete out a death sentence for his not having properly kept his ox under strict guard.

Another example of a distinction between heavenly and earthly judgment would be in the case of two people who intentionally ate neveila (the meat of an animal which died without being properly slaughtered). In each case there were witnesses and they were each given proper warning. However, each was in a different situation: One person was famished (obviously not to the extent that it was life-threatening, for then it would certainly be permitted to eat a neveila), while the other was simply not so strict in his mitzvah-observance and was unable to withstand the temptation. The Earthly Beit Din has no choice but to punish each of them with malkut (lashes). The Beit Din Shel Mala (Heavenly court), on the other hand, is able to take all these factors into account. The one who ate out of extreme hunger would perhaps receive the minimal penalty of 39 lashes, while the one unable to justify his actions would be given a much more severe punishment.

The same principle applies to all judgments, the Beit Din Shel Mata judges in a more general sense, while the Beit Din Shel Mala judges on an individual basis.

HASHEM IN HIS JUDGMENTS SEES INTO THE HEARTS OF MAN

Hashem was informing Moshe that what he sees in Heaven is not applicable to the human courts. In the examples we cited, Heavenly judgment was stricter. There is one area in which the Heavenly courts are more lenient and that is when the perpetrator undergoes teshuva. The human courts do not possess the capability to determine whether or not a person did proper teshuva and thereby lighten his sentence. However, HaKadosh Baruch Hu, who sees into the hearts of man is able to judge based on that.

Rabenu Yona refers to "the infinitude of evil of one who disobeys Hashem" (Shaarei Tshuva Shaar Rishon) - there is no way to measure how bad it is to disobey Hashem, no punishment can sufficiently atone for going against Hashem's will. The Gemara relates a story which took place after the Romans had defeated Bar Kochva. The Romans issued decrees against learning Torah and keeping mitzvot and killed ten of our greatest sages. Two of these sages were R' Yishmael Kohen Gadol and R' Shimon ben Gamliel. The midrash relates that prior to being put to death R' Shimon ben Gamliel cried. R' Yishmael asked him: "a tzaddik such as you, you are about to sit in Gan Eden with all the great tzaddikim who ever lived, why do you cry?" R' Shimon ben Gamliel responded: "I understand why the Romans wish to put me to death - I am guilty of learning and keeping the Torah - but I do not understand why Hashem decreed such a death for me. It seems more fitting for one who worshipped avoda zara or who was mechalel Shabbos, G-d forbid."

R' Yishmael posited the following: "perhaps a widow once came to seek your counsel while you were in the middle of eating. Your trusty shamash, out of respect for your dignity instructed her to wait a few minutes. The Torah commands us in Parshat Mishpatim: 'you shall not cause pain to any widow or orphan' (Shmot 22:21). The pasuk continues: 'if you dare to cause him pain ... My wrath shall blaze and I shall kill you ...'. Perhaps you were killed for an infraction of this nature." (See Massechet Semachot perek 8).

What a frightening thought! R' Shimon ben Gamliel certainly did not willingly cause a widow to suffer. It is highly possible that the woman even considered it a privilege and an honor to wait in the house of the nasi. A human court is unable to punish for such an act, but Hashem takes into account the suffering of the widow. R' Shimon ben Gamliel accepted this explanation.

If judgment is so great for infractions that we may consider to be minor, imagine the reward awaiting someone who performs even the smallest of mitzvot. We cannot even imagine the value of davening with a bit of extra kavana, an additional act of chesed towards our fellow Jew, or learning a few more words of Gemara. Chazal teach us that the reward for mitzvah observance is thousands of times greater than the punishment for aveirot. One of the worst infractions is bitul Torah - wasting time that should have been spent studying Torah. It therefore stands to reason that the reward for each additional word of Torah, each Gemara, Rashi, and Tosafot learned is so vast that it is beyond our comprehension. In fact every morning we say "veTalmud Torah keneged kulam" - the reward for learning Torah exceeds them all - it is greater than the reward for all mitzvot combined.

The same applies to other mitzvot. A person who arrives late for Shacharit and thinks to himself: "I'm only a little late, I haven't missed all that much" is not cognizant of the additional reward he could have received for those extra minutes spent in prayer. We are not speaking of a few pennies, but of an infinite number of dollars - we cannot even measure the potential reward lost.

THE POWER OF TESHUVA

The Gemara teaches us that the disciples of R' Shimon bar Yochai asked him of what the Jewish people were guilty that they were deserving of Haman's harsh decree of annihilation. R' Shimon asked if they had an idea. They responded that the people in Shushan were perhaps punished for having partaken in the feast of Achashverosh. Chazal inform us that Mordechai had requested that the people refrain from participating, but they simply shrugged him off as someone who did not understand what it meant to be a good and loyal subject of the king - if the king makes a Yom Tov and throws a party then it is of the utmost importance that we also participate.

Hashem was angry with them, claimed the students, because they did not listen to Mordechai and participated in the feast. R' Shimon bar Yochai countered: "why then was this decree of annihilation not limited to the Jews of Shushan, what were the Jews in the rest of the world guilty of?"

The students were unable to answer his question. They then suggested that perhaps it was punishment for having bowed down to the image of Nebuchadnezzar sixty years previously. Nebuchadnezzar had erected a statue of himself and demanded that everyone bow down to it, only Chananya, Mishael, and Azaryah refused choosing to be thrown into a fiery furnace rather than bow down. We can ask the following question: if the people bowed down to avoda zara then they certainly were deserving of the death penalty. One answer is that they were coerced to bow down - they did so only out of fear of the king and not because they truly wished to worship avoda zara. We can explain that Haman's decree was not a death sentence but rather designed to instill fear into the nation so that they would repent. Hashem accepted their teshuva and they were saved.

The Chatam Sofer explains based on a Tosafot that bowing down to this image did not constitute true avoda zara but was done simply out of honor to the king. Even though this was not really avoda zara Hashem was angry with them for having wasted an opportunity to make a Kiddush Hashem, as did Chananya, Mishael, and Azaryah, for not having fulfilled the commandment of: "I should be sanctified among the Children of Israel" (Vayikra 22:32). They had the opportunity to sanctify Hashem's Name and did not. Ultimately the people repented and their teshuva was accepted, Haman was hanged, and all his terrible decrees were declared null and void.

The Purim story provides us with insight into the greatness and importance of teshuva - we learn how terrible it is to sin and of the power teshuva has to raise us from the depths. We can thus ask the following question: every Yom Kippur, we spend the day fasting, in prayer, and viduy - this in fact is what we celebrate on Motzaei Yom Kippur. Chazal teach us that one person's proper teshuva has the power to save the entire world. If so many people sincerely repent on Yom Kippur, why was the Beit HaMikdash destroyed and why has it not been rebuilt? Were there not tannaim, amoraim, and other tzaddikim throughout the generations who repented? Was their teshuva not sufficient cause to protect the Beit HaMikdash or at the very least to be the catalyst for its rebuilding?

The explanation is that basic teshuva is easily attainable: "the matter is very near to you" (Devarim 30:14). However, to ascend to the highest level of teshuva, to a level sufficient to rebuilt the Beit HaMikdash is another story altogether. There has not been anyone who has undergone a level of teshuva sufficient to bring about the Redemption. Even so, we must value the opportunity to repent on whatever level we find ourselves. There is great reward awaiting those who repent and those who learn Torah and mitzvot, whether Hilchot Purim or other halacha, or Tanach, Gemara, Rishonim. We cannot comprehend the greatness of the reward, but we must keep in mind that it is infinite.

Staff Dvar Torah
by Rav Natan Schwartz

What are These Laws that you speak of.....?



In last week's parsha, Hashem gave the Torah to Am Yisrael at Har Sinai. This event was one of the most important and monumental events in our history. Not only on a global, community level, but also for each individual that experienced the event. Just being there and seeing smoke and hearing the sounds of the shofarot, must have been an indescribable and unbelievable experience. From here, Am Yisrael will march through the desert to their homeland and move into and conquer Eretz Yisrael.

So here, sandwiched in between two paramount events in our history and in each and every Jew's personal connection with Hashem, comes Parshat Mishpatim. All of these mishpatim. What are mishpatim? What is the connection between mishpatim, the Torah that we received last week, and Eretz Yisrael that we will move into within the next few months? Why must these ordinances be recorded specifically at this point?

The opening word of this week's parsha, is ve-ele. The opening vav ("and") implies a connection between the opening of this week's parsha and the conclusion of last week's parsha. In what way are they connected? Furthermore, last week we read that the Jewish nation received the Torah by declaring that whatever Hashem commanded "naase" - we will do. It is only towards the end of Parshat Mishpatim that the Jewish nation declared the famous "naase venishma" "we will do and we will listen" (Shemot 24:7). It appears that that these mishpatim are the enabler of the dibrot we received last week - they somehow complete our relationship with Hashem.

So, what are mishpatim? The Medrash Tanchuma explains that mishpatim refer to the logical aspects of the Torah which are not included in the dibrot, we are expected to obey and to understand that these alws represent true justice. The Rambam explains that they are instructions how we must act and lead our lives, instructions which are logical and easily understood and therefore easy to undertake.

By definition, mishpatim are the opposite of what are referred to as chukim. In other words, whereas a chok we obey simply because Hashem commanded us to whether or not we understand it, we obey mishpatim because they are obviously the right thing to do - they make sense (clearly we would never have thought otherwise regarding Hashem's commandment)!!

The root of the word mishpatim is shofet - a judge. What is the job of a judge? He listens, he dissects the evidence and renders a verdict based on law, sensitivity, and understanding. These are mishpatim. They make the Torah and our relationship with Hashem relevant to our everyday lives. It makes us contemplate what it is that the Torah and Hashem want from us. In a certain way, it is almost like the Hashem is trying to turn us into "mentches" - inculcating into us the idea of always being sensitive to the people around us.

Prior to Am Yisrael's receiving the Torah it was every man for himself. While slaves in Egypt, everyone did whatever he could to help himself and his family. Matan Torah taught us an entirely new approach to the world. What an amazing thing it is to be able to connect with Hashem at all times. Hashem is sending us a tremendous message - true, Har Sinai was a truly amazing experience of reaching a level of such closeness to Hashem. but we must never forget that we live in this world, a world with other

people. The Torah is teaching us to be sensitive to the people around us.

This, I believe, is the key to forming a close relationship with Hashem. The Torah is teaching us that before anyone can connect to Hashem on a high level, he must first learn how to deal with people - to be sensitive to them and to their needs. It is only after developing such middot that we can hope to attain a high level of closeness with Hashem.

Perhaps this explains why this week's parsha is located where it is. Prior to the arrival of Mishpatim our relationship with Hashem was not sealed, it was not complete.

Shabbat Shalom!!

Alumni Dvar Torah by Michael Cahane (5766)

Just Because Hashem Said So

"These are the laws that you should set before them." Why does the Torah emphasize "set before them"? Rashi provides us with a very interesting explanation. Moshe received the Torah and was instructed to teach Bnei Yisrael the laws of the Torah. Hashem instructed Moshe to lay out the Torah before them - teach them until they fully comprehend what they are being taught. Rashi elaborates: Hashem told Moshe that having Bnei Yisrael simply memorize the laws would be of no avail - he must explain it to them as if he is setting out the table before them - the Mechilta explains that the laws should not be presented on the table in "raw" form but rather "ready to be eaten", ready to be understood.

Ibn Ezra raises the following question relating to the ordering of mitzvot in Parshat Mishpatim. Why does the parsha open with the a discussion of the laws pertaining to slaves. He explains that the Torah should be presented to the Jewish people with a slave-like mentality. Just as slaves take orders without asking where, why, or how - so too Bnei Yisrael should perform mitzvot with unquestionable loyalty.

There appears to be an apparent disagreement between Rashi and Ibn Ezra. On the one hand Hashem is telling Moshe to persistently explain the Torah to Bnei Yisrael until they fully comprehend. Rashi elaborates that Moshe should not think that reviewing the material two or three times suffices. Ibn Ezra, on the other hand comments that Bnei Yisrael should receive the Torah in a slave-like manner and follow the Torah regardless of whether or not they understand. Are these Rishonim in disagreement?

We must begin by emphasizing that we are speaking of the dor hamidbar, the generation of the desert - the generation of wisdom - one of the holiest generations who ever lived. They were accompanied by a cloud by day and a fire by night, their clothing never wore out and if necessary even grew with them. The Mishna adds that they had no need for a bathroom. It was for these people that bread rained down from heaven. In short, the generation was on a very high level of holiness. In a span of forty years in the desert they managed to master the entire Torah. We can expect people on this level to understand the Torah firsthand from Moshe. This is what Rashi means, teach them until they understand everything because they are capable of it - memorizing is not sufficient.

Ibn Ezra's explanation pertains not only to the dor hamidbar but to all generations. The dor hamidbar witnessed Hashem's miracles firsthand on a daily basis, they had no need

for leaps of faith after what they witnessed at Har Sinai. Unfortunately over the years there has been a decline in Torah understanding, we can now relate much better to the requirement for mesirut nefesh and leaps of faith. Today we need to have the mentality of slaves, to follow Hashem's mitzvot with unwavering loyalty and complete emunah, whether we understand the laws or not. The Ibn Ezra emphasizes that the lack of comprehension is a fault in us and does not, chas v'shalom, reflect on anything lacking in the Torah. This is a sore point which unfortunately many who go off the derech are unable to see.

There is much we can learn from these seemingly divergent views of these commentaries. Many of us (myself included) learn Torah with the goal of memorizing it. This is not the proper way to learn, learning Torah entails understanding as well as retaining. Hashem, in His infinite wisdom, was aware that there would be a decline in the generations following the dor hamidbar and therefore does not ask too much of us. Rather than expecting us to immediately understand everything, in His kindness, only asks that we observe the mitzvot without question.

The reward for one performing mitzvot "just because Hashem said to" is just as great, if not greater than, the person with a full comprehension of what he is doing. When it comes to other areas of life, acting without understanding is perceived as ignorance. In Yiddishkeit, however, performing a mitzvah simply out of belief in the Torah being heaven-sent and therefore is all Truth is the act of a true tzaddik - what a privilege it is to be born into this great religion!

Let us pray that we are all zoche to learn from our gedolim and arrive at a true understanding without simply memorizing. Until that time, however, let us hope and pray that we are able to keep the laws of this awesome Torah with bitachon and emunah sheleimah.

Visitor Log, Mazal Tov's, Tehillim List

Announcements from the Yeshiva

Mazal Tov

Yeshivat Netiv Aryeh wishes a Mazal Tov to:

- [David](#) Rosen (5759) on his engagement to Sharon Glassman.
- [Gabriel](#) (5766-67) and Chaya Mindy Singer on the birth of a baby girl, Sara Rina.
- [Joseph](#) Baskin (5752) and his wife on the birth of a baby boy,

Tzeitchem L'Shalom

The Yeshiva would like to wish much success to Hersh Seibert, who is moving on to a new position outside of YNA. His work with the Yeshiva computer systems, the newsletter, and our website has been invaluable.

Tehillim List

The following members of our extended YNA family need our tefilot:

- Taube Yehudit bat Temma Gasia
- Yitzchak ben Shayna Ita
- Zev Eliezer ben Chaya Shayndel
- Rueven ben Tova Chaya
- Fruma bat Eeta
- Moshe Zanvel ben Breindel

- Sima Rivkah bat Eidel
- Leah bat Eidel
- Chaim Shmuel Moshe ben Golda
- Aryeh Rephael ben Sarah
- Chaya Sarah bat Fanya Luna
- Yitzchak ben Tova
- Fraida Rachel bat Sarah Milcha
- Lea bat Bracha
- Miriam Rivka bat Adina Leah
- Dina Sarah bat Shaindel Mira
- Tali bat D'vorah Bina
- Tobah Pessal bat Esther
- Lottie Adina bat Claudia
- Orly bat Yaerah
- Miriam Naomi bat Sarah
- Dov Eliyahu ben Mindel Hudis
- Rahamim ben Miriam
- Hinda bat Sara Leah
- Rivka Zelda bat Bracha
- Dovid Ben Miriam
- Yaackov Chaim Meir ben Miriam
- Avraham ben Leah
- Chaim Naftali Yaakov ben Shifra Shaulah
- Michael Yosef ben Tzipora
- Gidon Shlommo ben Esther
- Haya Rebecca Rivka bat Jeanne Yaffa
- Temima Adina bat Keren Ronit
- Avraham ben Meela
- Bracha Sara bat Rivka Zelda
- Ita Blima bat Malka Fraidel
- Eliyahu ben Victoria
- Chaya Malka bat Rachel Braindel
- Elnatan Meir ben Devorah Ze'eva
- Yahel Liam Gittel bat Rachel
- Shifra Sheulah bat Chana Sarah
- Dovid Chaim ben Brina
- Natan Zelig ben Leah
- Refoel Chaim Simcha Binyamin ben Devorah Aliza
- Menachem Mendal Halevi ben Tova
- Akiva ben Gittel
- Aharon Dovid ben Elke Shprintza Machla
- Eitan Meir ben Rivka Ora
- Yaacov ben Ester
- Sharona Charna bat Nechama Zvia
- Shaul ben Sulcha
- Ariel Avraham ben Chana
- Chaya Zeesil bat Tzivia Leah
- Batyah Leah bat Sarah
- Ariel Avraham Ben Chana
- Moshe Aharon Yitzchak ben Tova Rachel
- Beila Chana bat Esther
- Shlomo Zalka ben Chana Ruchel Serel
- Meira Mindel bas Chava Golda

[Send Us Your Announcements](#)

Please, if you have any smachot or chas v'shalom, less happy occasions, [let our office know](#) so we can keep everybody updated. Are you visiting Israel? - [let us know!](#) We'd love to host you for a shabbat meal, davening, a shiur and would love for you to stop by.

Shabbat Shalom,

Rav Bina, Netiv Aryeh
Yeshivat Netiv Aryeh

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