

Yad Avraham Institute
WEEKLY TORAH COMMENTARY SERIES
Parshas Mishpatim
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Presented By: Rabbi Yosef Kalatsky, Shlita

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About the Yad Avraham Institute

The Yad Avraham is a Torah learning institute located in midtown Manhattan. Classes are offered every day during the week starting at 5:50am and throughout the day. Classes in Chumash, Halacha, Hashkofa, Gemara, and general topics are well attended by businessmen, professionals, and students. The Yad Avraham invites you to participate in our extensive offerings of classes and events.

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Parshas Mishpatim

Presented by

Rabbi Yosef Kalatsky, *Shlita*

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1. The Proper Setting for the Acquisition of Torah

At the time of the receiving of the Torah at Sinai, the Torah states, **“The sound of the Shofar blast continued to intensify and become stronger. Moshe spoke and Hashem responded with a voice.”** Moshe addressed the Jewish people from Mt. Sinai and communicated the Word of Hashem at the same level of audibility as G'd Himself. One can understand how G'd's Voice could be heard by all the Jewish people; however, how could have Moshe projected his voice to be heard? The Gemara tells us that G'd gave Moshe the ability to be heard by the multitudes of Jews who stood at Sinai.

Rambam states in *Hilchos Talmud Torah (The Laws of Study of Torah)* that the methodology for teaching Torah is through an intermediary, a *meturgamon* (spokesman). Although the rebbe speaks at a level that can be heard by the students, the *meturgamon* repeats verbatim what the rebbe said, without any embellishment. Furthermore, he speaks at the same level of audibility as the teacher (rebbe). If the students pose a question, they pose it through the *meturgamon*. Although the rebbe hears the questions that are being asked, he does not respond until the *meturgamon* himself relates them to him. The basis for Rambam's ruling is that it was the methodology that was used to communicate the Torah to the Jewish people. It was how the Jewish people posed their questions to Moshe and he in turn relayed them to G'd.

It seems superfluous to have an intermediary between the teacher and the student since the student hears the teacher presenting the subject matter and the rebbe hears the question that is being asked by the student. What is the value of the *meturgamon* as the intermediary?

The understanding and internalization of Torah is not based solely on one's intellectual capacity or the rebbe's ability as a communicator. There is a spiritual aspect to the communication of Torah that goes beyond the human capacity. Torah itself, being the most advanced and profound source of spirituality (*Chachmas Hashem* - G'd's

Wisdom), can only be acquired with special Divine Assistance (*siyata d'shmaya*). Thus, unless one transmits and receives Torah as it was transmitted at Sinai, one is not able to fully appreciate and understand the Torah at an optimal level.

The Mishna in *Pirkei Avos* (Ethics of Our Fathers) tells us that there are 48 ways through which one acquires the Torah. Some of them are one's humility, dedication, the rebbe with whom he studies, etc. What is stated in the Mishna does not pertain to one's intellect. Regarding any other branch of knowledge, one's intellect is the essential element to succeed. However, regarding the study of the Torah there are many other factors. In fact, the intellect in itself is something that is considered (relatively speaking) secondary. Therefore, one's acquisition of the Torah at an advanced level can be had only if one meets the criteria set forth by the Mishna.

The methodology that was used to communicate the Torah to the Jewish people involved G'd, Moshe (as the intermediary), and the Jewish people. Rambam in *Hilchos Yisodei HaTorah* (The Fundamentals of Torah) states that the Jewish people heard G'd speak to Moshe, “Go and tell them (the Jewish people) such and such...” Even though the Jewish people had heard the Torah being communicated to Moshe, as it was meant to be communicate to them; nevertheless, G'd commanded Moshe to repeat it as they had heard it. If one transmits, Torah as it was initially communicated then one will merit the special assistance (*siyata d'shmaya*) to be able to understand it at the ultimate level.

Ramah in the *Shulchan Aruch* (the Code of Jewish Law) states that one should stand during the reading of the Torah because it is an enactment of the Sinai experience. Just as at Sinai, the Jews stood in awe and trepidation when they heard the word of G'd so too one should assume that identical posture when one hears the reading of the Torah. It is when one follows the methodology of transmission employed at Sinai that one creates a setting in which the Torah will be transmitted at a level that will have a greater impact. However, if it is not transmitted in this manner it will have a limited effect.

The last Mishna in Tractate *Sotah* outlines the end of various eras. It states, “When Rabban Gamliel the elder passed away, the glory of Torah came to an end.” One might think that when he passed away, there was no one who represented that dimension of Torah greatness. Thus, the glory of Torah ended. However, Rashi in his commentary cites the Gemara in Tractate *Megillah*, “Until the passing of Rabban Gamliel mankind’s health was on an exceptional level. Therefore, people were able to study Torah in a standing position rather than sitting. When he passed away, illness came to the world causing mankind to be in weakened state, thus not allowing them to study Torah in a standing position. This was the end of the era of the glory of Torah.”

The Mishna in *Pirkei Avos* states, “There is no *kavod* (glory) other than the Torah itself.” If one possesses Torah then he has glory. When Moshe transmitted the Torah at Sinai to the Jewish people, the Torah tells us that they stood. The manner of transmission of Torah was in a context of them standing. Thus, one can only merit the Divine Assistance necessary for the acquisition of Torah when he is in a standing position. We are now able to understand the Mishna that states, “When Rabban Gamliel the elder passed away, the glory of Torah came to an end.” After the passing of Rabban Gamliel, the posture and context of the study of Torah was no longer as it was at Sinai. The Torah studied from that point onward was no longer as effective as the Torah that was studied in a standing position. Consequently, the glory of Torah (which is the Torah itself) was diminished.

If the context of one’s Torah study is similar to that of Sinai then he will merit maximum benefit from it. The Midrash tells us that when Moshe ascended to heaven for forty days and nights he was taught the Torah in its entirety every day by G’d. However, after studying the entire Torah, he would forget what he had been taught. G’d needed again to teach him the entire Torah. This process (studying and forgetting) repeated itself for forty days. On the fortieth day Moshe was able to retain what he had been taught. The difficulty of this Midrash is – if G’d wanted Moshe to retain the Torah after one day of study he would have retained it. So why did Moshe continuously forget what he had been taught? It is to teach Moshe and the Jewish people that it is not within the human capacity to retain Torah (which is the essence of spirituality). We are only able to retain it as a gift from G’d, which only comes about through *siyata d’shmaya* – Divine Assistance.

2. True Success Hinges on Humility

At the beginning of the Portion, Rashi cites Chazal who ask, “What is to be learned from the juxtaposition of the Portion of *Mishpatim* and the one that precedes it- the building of the Altar (*mizbeiach*).” The Midrash explains, it is to teach us that the *Sanhedrin Gedolah*, (The High Court of Israel), should be placed adjacent to the Altar (the Sanctuary of the Temple). Meaning, that the Sanhedrin should convene in one of the chambers of the Temple. This location was known as the *Lishkas HaGazis* (the Chamber of Cut Stone). What is the significance of the Sanhedrin being located adjacent to the Sanctuary of the Bais HaMikdash?

One is able to say that the reason is derived from the verse, “*Ki me Tzion teitzei Torah - Torah goes forth from Zion.*” Since a human being is not infallible, how is it possible that judges render life and death decisions that may not necessarily be correct? The verse states, “*Elokeem netzav baadas Keil - Hashem stands within the congregation of G’d.*” Meaning, that when every rabbinic court convenes, G’d is present and the judges see through the “Divine Eye” rather than the limited mortal eye. Thus, the Sanhedrin must convene on the Temple Mount because that is the location of the *Shechinah* (Divine Presence).

The Gemara in Tractate *Sanhedrin* states that the Judges who were qualified to sit on the Sanhedrin were required to understand seventy languages because they needed to hear the testimony directly from the witnesses without any intermediary. The Sanhedrin was composed of Judges that were not only proficient in the entire Torah but also proficient in seventy languages and many branches of knowledge because they directly or indirectly were related to their decisions. The Gemara says that although one is not permitted to study the laws of witchcraft, the judges of the Sanhedrin were permitted to be fully versed in these areas in order to adjudicate these cases properly. The judges who qualified for the Sanhedrin possessed a level of genius and understanding that we are not able to comprehend.

King David states in *Tehillim* (Psalms), “*Reishis chachma yiras Hashem* -The beginning of wisdom is the fear of G’d.” King David is stating that without the “fear of G’d” one could have a level of genius that is unequalled, yet, simultaneously have no understanding of truth. He interprets existence based on his own perception of reality. However, if one’s genius and knowledge is predicated on the fear of G’d, he will see the world in the proper perspective. His exceptional ability will be expended and applied in a way that he will perceive truth.

If one truly fears G'd, then he will be humbled in a way that will cause him to negate his own perception. Thus, he would no longer have a conflict of interest.

In the Bais HaMikdash, G'd's Presence was obvious and palpable in the most real sense. He was not an abstract concept but rather a reality. With this powerful sense of G'd, there was a continuous cognizance of Him and it was impossible not to be humbled. This is the reason the Talmud tells us that Rabbinic fences were not legislated vis-à-vis the Temple Mount. Rabbinic fences, which were promulgated to protect the Torah, were not necessary in the Bais HaMikdash. Therefore requiring the Sanhedrin to convene adjacent to the Sanctuary assured that the judges, who were so exceptional, would maintain a level of humility that would allow them to maximize on their ability to render a proper decision.

The Gemara in Tractate *Sanhedrin* tells us that the Prophet told Yeravam Ben Nevot that he would be the king of Israel. He was the greatest Torah Scholar of his day. The Gemara tells us that his level was so advanced that the Sages of his generation were likened to grass under his feet. However, he is depicted as "the sinner who sinned and caused others (the Jewish people) to sin." [He compelled the Jewish people to worship idolatry.] His actions ultimately led to the destruction of the first Bais HaMikdash. The basis for Yeravam's behavior was his arrogance and jealousy. Although he was a man of great intellect and genius, he became convoluted because he was lacking humility.

We find that this failing also led to the destruction of *Doeig Ha'Adome*, (the leader of the Sanhedrin). Although he was a man of great Torah knowledge and genius, he became corrupted by his arrogance and jealousy of King David, which ultimately brought about his destruction.

Without the sense of G'd in one's life one will always see reality the way he chooses despite intelligence and ability.

3. Understanding the Reality of One's Being

The opening verse of this week's Portion is "**And these are the judgments that you shall place before them... (V'ele Ha'mishpatim...)**" Rashi cites Chazal who explain that the parsha begins with a connecting "vav" (and) to indicate that just as the laws stated in the previous portion were given at Sinai, the laws which are stated in this one were also given at Sinai. The laws (and all of their ramifications) pertaining to the Jewish slave are the first to be discussed in the Portion of Mishpatim, which was communicated to the Jewish people post-Sinai.

The Torah is dealing with a person who was found guilty of stealing and was not able to reimburse the person that he had victimized. The Torah tells us that he is sold into slavery for the value of the theft. The period of servitude is for six years. If he is married, the master is permitted to give him a Canaanite maidservant for the purpose of bearing children. The children who are born to him through this relationship belong to the master and are not considered the children of the slave. The Jewish slave is reduced to this level of - a breeder of children - because of his behavior as a thief. Why did the Torah choose this law to be the first to be communicated to the Jewish people after Sinai?

After the Sinai experience, when G'd communicated with them face to face (prophesizing in a wake state at a level such as Moshe Rabbeinu) and the Jewish people had reached their pinnacle of spirituality, one would think that other dictates would have had greater relevance to their advanced level of spirituality and would have been communicated to them. Laws such as visiting the Temple Mount three times a year, the mitzvah of studying Torah, etc. would seem to be more relevant than the laws pertaining to the Jewish slave.

The Jewish people at this moment were no less spiritualized than the High Priest coming out of the Holy of Holies on Yom Kippur. If one would have said to the High Priest after the Yom Kippur service that he had to be vigilant and responsible not to become a thief, it would be viewed as something which is insulting and offensive given what he had just been experienced. Yet the Torah chooses to communicate the law of the Jewish slave who is sold for stealing after the Sinai event. How do we understand this?

The Mishna in Tractate *Sotah* tells us that the reason the meal offering (*Mincha*) that is brought by the *sotah* (a suspected adulteress) is made of barley flour and not wheat flour (as all other offerings) is because "Since her behavior was similar to that of an animal (by sequestering herself with a man other than her husband), the material make-up of her meal offering is the grain used as animal fodder (which is barley)." The majority of barley grain is used for animal consumption.

The Torah tells us that on the second day of *Pesach* the Omer offering was brought which was comprised of barley flour. On *Shavuot*, which is 49 days later, an offering of two loaves of bread made of wheat flour was brought as part of the communal offering. What is the significance of the Omer offering being made of barley and the two loaves of bread being made of wheat? The Maharal of Prague explains that ingredients of the

offerings (barley and wheat) signify the spiritual level of the Jewish people at that particular time.

The Maharal explains that when the Jewish people left Egypt they were devoid of spirituality and were at their lowest point - the 49th level of spiritual contamination. At that moment, the Jewish people were equated to the animal that has no relevance to spirituality and is totally physical. Therefore, the Torah chooses the ingredient of barley to signify the spiritual level of the Jewish people at that moment. However, fifty days later at Sinai at the time of the giving of the Torah when they had reached their pinnacle of spirituality their classification was as a human being whose purpose and function is spirituality. Therefore, to signify their advanced level the Torah tell us that the two loaves of bread must be made of wheat flour, which is the grain primarily used for human consumption.

What is unusual regarding the meal offering of two loaves of wheat that were brought on *Shavuot* is that it must be made of *chometz* (leavened). All the other meal offerings that were brought in the Bais HaMikdash were *matzah* (unleavened) [except the Todah Offering (Thanks)]. We find that *chometz* signifies and symbolizes the *yetzer hara* (the evil inclination). As it is explained – a leavened product because of its tastiness represents lust. Its risen form represents arrogance and haughtiness. On the other hand, something that is unleavened (*matzah*) symbolizes all the characteristics representing purity. Its low form signifies humility and its bland taste represents detachment from craving for physicality. It seems incongruous that the two loaves of wheat bread, which represented the ultimate level of spirituality vis-à-vis the Jewish people, were *chometz* and not *matzah*. How do we understand this?

The Torah is teaching us through the paradigm of the two loaves of wheat bread, which is *chometz*, that although a person may be at the pinnacle of spirituality, simultaneously, as a human being he possesses an inclination for evil. Thus, one must not and cannot forget for a moment that even at the most advanced level of spirituality, he susceptible to failure. As we find regarding the Sin of the Golden Calf, that although the Jews had experienced G'd "face to face" at Sinai only forty days prior, they fell from the heights of spirituality to the abyss of spiritual impurity – idolatry.

We are now able understand why immediately post-Sinai the Torah introduces the law of the Hebrew slave. The Torah is giving us an understanding of the human being. Although one may be at an advanced level of spirituality, such as the Jewish people at Sinai, one is

still vulnerable to stealing because man is innately inclined to evil.

4. The Value of Appreciating G'd's Goodness

The Torah states regarding a judge, **"Do not accept a bribe (*shochad*) for the bribe will blind those who see and corrupt words that are just."** Rashi explains, based on the Gemara in Tractate *Kesubos*, that even if a judge meant to render an honest judgment he is disqualified because he accepted a bribe. Chazal continue to explain, **"corrupt words that are just"** means "If a Torah scholar accepts a bribe he will ultimately become confused, his Torah learning will be forgotten, and his vision will become dimmed."

The Gemara in Tractate *Kesubos* explains that the meaning of the term "*shochad* (bribery)" is "*shechad* – (in Aramaic) - becoming one." If one accepts a bribe, he becomes one with he who had given him the bribe and will see things through the eyes of that person. A judge must remain impartial and only then is he qualified to adjudicate the case. However if a judge accepts bribery he loses his impartiality and is thus disqualified. The one who receives the bribe literally becomes "*echad* (one)" with the one who offered it.

King Solomon writes in *Mishlei* (Proverbs), "*Sonnei matanos yichyeh* - the one who despises gifts will live." How do we understand the statement of *Mishlei* that it is only the one who despises gifts will live – inferring that the one who does not despise gifts will not live? In order for a person to serve G'd properly, he must perceive existence and life as G'd wants him to see them. The moment a person receives a gift, he becomes one in the same with his benefactor. He will view the world through the eyes of the gift giver. Thus he loses his objectivity and may not see life as G'd wants him to. G'd is the source of all life and thus the one who cleaves to Him will have life. Therefore, the person who despises gifts will cleave to G'd (the source of life) and not to the one who is giving the gift.

There is a Positive Commandment "*Bo tidbok* – you should attach yourself to G'd." The Gemara asks – how is it possible to attach oneself to G'd when He is fire? The Gemara answers - that one can become attached to Him by engaging with a Torah scholar, because the Torah scholar is the representation of G'd in this world. This is an application of the concept of "*shechad* - becoming one".

The Gemara in Tractate *Sanhedrin* tells us that a person can be jealous of everyone except his child and his *talmid* (student). It is understandable why a person will not be jealous of his own child because the child is literally “*echad*” with the parent. He is only an extension of the parent and is viewed by the parent as being part of him. Regarding a student, the Gemara states that a rebbe who teaches Torah to his *talmidim* is as if he fathered them. With our understanding of “*shechad*,” we can understand this statement of the Gemara on a deeper level.

The Gemara in Tractate *Taanis* tells us that the teacher benefits to a greater degree from his students than his colleagues and teachers. Thus, the rebbe is the greatest beneficiary of the students’ interaction with him. Therefore, based on the concept of “when one is the recipient of something that he values, he and his benefactor become one” it is not possible for the teacher to be jealous of the student because they are one in the same.

If one is able to see himself as being the beneficiary of G’d’s goodness and beneficence, he will have no difficulty in serving G’d, as He wants to be served. This is because G’d created man in a way that when he is a recipient of something, which he views to be beneficial, he will take on the perspective of his benefactor.

It is not at all considered a negative to give a gift as an incentive to influence another party. In fact if one wishes to influence another individual positively to become more involved in spirituality, it definitely would be the correct thing to do because only through receiving the incentive will the person appreciate what his benefactor understands. However, within the context of judgment, where the judge has to maintain his impartiality, he must see it through his own eyes. As the Talmud in Tractate *Sanhedrin* states, “*Ein l’dayan elah mah sheinov ro’os* - A judge renders a decision based on his understanding (and not another’s).”

5. *The Determining Factor for One’s Capacity to Spirituality*

At the time of receiving of the Torah at Sinai, the Torah tells us that Moshe communicated to the Jewish people “**all the words of Hashem and all His Mishpatim (Laws)...**” The people responded, “**whatever Hashem tells us we will do...**” What did Moshe communicate to the Jewish people? Rashi cites Chazal who explain “**all the words of Hashem**” to mean that Moshe commanded them that in preparation for receiving the Torah, the men had to separate themselves from their wives for a period of

three days and they needed to surround the mountain without touching it. Chazal explain “**all His Mishpatim (Laws)**” to mean that Moshe communicated to the Jewish people the seven Noachide laws, the laws that were given at *Marah* - the laws of Shabbos, the laws of honoring one’s parents, the laws of the *Parah Adumah* (the Red Heifer), and those that pertain to the rabbinic court.

One can understand the need for Moshe to communicate the “words of Hashem” which outlined the prerequisites for receiving the Torah, such as the men separating from their wives and the people surrounding the mountain without touching it. These laws were relevant to the situation at hand given that they needed to prepare themselves to be in a state of spiritual purity in order to receive the Torah. However, what is the significance of Moshe communicating the Mishpatim to the Jewish people? What relevance does the commitment of adhering to the seven Noachide laws, Shabbos, the Red Heifer etc., have to do with receiving the Torah at Sinai? Why is the moment before receiving the Torah the time when the Jewish people had to re-establish their commitment to these laws?

In order for the Jewish People to be able to appreciate the *D’var Hashem* (the Word of G’d), they had to be spiritualized to a certain degree. They had to assume all the responsibilities, which related to their spirituality at that moment. It was only then that they had the capacity to appreciate the upcoming Sinai experience.

The Gemara in Tractate *Zevachim* tells us that at the time of receiving of the Torah the earth quaked and trembled. All the nations of the world ran in fear to Bilaam the evil one (the prophet of the nations) and told him that the world was ending. He responded to them that the world was not ending because G’d had made a covenant with humanity that he would not destroy the world with water again after the Great Flood. They responded to Bilaam by saying that G’d had only promised not to destroy the world with water, but perhaps He will destroy it with fire. To this Bilaam responded, “You are fools! Do you not understand that the reason the world is quaking is because G’d is giving His “Power” – the Torah to the Jewish people.”

Upon hearing this they responded, “Hashem should bless his people with peace.” The nations of the world were relieved that the world was not ending and parted from Bilaam to go about their pagan ways as before. One would think that after experiencing such fear because they believed that G’d was destroying the world, and then realizing that to the contrary, the quaking was due to G’d giving the Torah to His people, that they would

have proclaimed, “G’d is the One Omnipotent Power!” However, this was not the case. They returned to their pagan ways immediately when they realized that the world was not in jeopardy. How do we understand this?

Since they had no capacity for spirituality, the nations of the world could not internalize and process the reality of that moment. Therefore, once they realized that the world was not about to be destroyed they went about their way. In order for the Jewish people to have the capacity to appreciate the Sinai experience, they had to be fully committed to the Noachide laws and the dictates that were communicated to them at *Marah*.

It is written in *Pirkei Avos* (the Ethics of Our Fathers), “The world stands on three principles – *Torah*, *Avodah* (*tefillah* - prayer), and *Gemilas Chasadim* (acts of loving kindness).” If one is advanced in Torah study but is deficient in *tefillah* or *chesed*, it has a negative impact on his Torah. One must maintain a balance of all three principles for each of them to be fully functional. It is analogous to having one eye that sees perfectly while the other is impaired. The overall vision of that person is limited, despite the fact that he has one perfectly good eye. One must have the full perspective to have clarity.

If one wishes to be fully developed in Torah, one needs to be developed in all of the areas of *tefillah* and *chesed*. One’s ability to acquire Torah emanates from one’s spiritual capacity and not from one’s intellect. It is because of this that the Jewish people had to re-commit themselves to the mitzvos that were given to them prior to Sinai. They needed to have the spiritual capacity to appreciate and internalize the Sinai event.

YAD AVRAHAM DAILY CLASS SCHEDULE

***Energize your day...
... with a solid morning of Torah study***

Monday Through Friday

5:50- 6:00 am	Chumash with Rashi
6:00- 6:15 am	Mishna
6:15- 6:30 am	Mishna Berurah
6:30- 7:25 am	Halacha
6:30 -6:45 am	Mussar
6:45 -7:25 am	Talmud—Tractate Shabbos
7:25 - 8:20 am	Davening Followed by Breakfast
8:20 - 8:45 am	Mishna
9:00 -10:00 am	Daf Yomi
2:00 pm	Mincha

Special Weekday Classes

Monday

- 11:15 – 12:15pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street
- 12:30 – 1:30pm **Talmud: Avodah Zorah**
Location: Shandholt 488 Madison Avenue
Between E.51st and E.52st

Tuesday

- 12:15 - 1:15pm **Torah Insight Based on the Parsha**
Location: Yad Avraham
- 1:30 – 2:30 pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street

Wednesday

- 11:30 – 12:30 pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street
- 1:00—2:00 pm **Derech Hashem**
Location: Yad Avraham

Thursday

- 10:30 –11:30am **Tehilim with Malbim**
Location: Yad Avraham
- 12:00 – 1:00 pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street

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