

Yad Avraham Institute
WEEKLY TORAH COMMENTARY SERIES
Parshas Mishpatim
January 31, 2008

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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Yad Avraham Institute
New York
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B"H

Parshas Mishpatim

Presented by

Rabbi Yosef Kalatsky, *Shlita*
Dean

1. The Profundity of the Jewish Slave

The Portion begins “**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, so too the laws that are stated in the Portion of Mishpatim were also given at 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 that he fathers from the Canaanite maidservant belong to the master and are not considered his. The Jewish slave is reduced to a level of being a breeder of children as a consequence of his behavior as a thief. Why did the Torah choose this to be the first law to be communicated to the Jewish people post Sinai?

At the time the Torah was given at Sinai, G’d communicated openly with the Jewish people. They had prophesized in a wake-state/face to face. At this time, they had reached their pinnacle of spirituality. One would think that immediately after the Sinai event the laws that were communicated to the Jewish people would have relevance to their advanced level of spirituality, rather than something as lowly as being sold into slavery to repay a theft.

The Jewish people at this moment were no less spiritually advanced 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 act responsibly not to become a thief, it would be viewed as something that is insulting and offensive, given what he had just been experienced. Yet the Torah chooses to communicate the law of the Jew who

is sold into slavery for stealing. What is the Torah communicating to us?

When the Jewish people accepted the Torah at Sinai they unequivocally declared “Naaseh V’nishma – we will do and we will listen.” The Gemara in Tractate Shabbos tells us that when G’d heard their declaration He exclaimed, “Who revealed this secret to My children?” They had spoken in the same manner as angels conduct themselves. The angels do the Will of G’d without first hearing His Command. Thus, the Jewish people at Sinai were the equivalent of angels. Despite their advanced spiritual level, they needed to understand that they as human beings possess an evil inclination. Although at that moment, the Jewish people had reached their spiritual zenith, forty days later they were culpable for the sin of the Golden Calf. This behavior seems to be incongruous. By juxtaposing the portion of the Jewish slave to the Sinai event, the Torah is teaching us that one should not become confident and complacent regarding his spiritual level. If one were not continuously aware of his inborn handicap, the evil inclination, one ultimately will fall victim to its machinations – even to become a thief. Therefore the first law that the Torah chooses to follow the Sinai event is the law pertaining to the Jew who is sold into slavery for stealing.

Ramban writes, “The reason the laws of the Jewish slave is the first law transmitted after the Sinai event is because it alludes to something basic and fundamental to Judaism. Firstly it alludes to the exodus from Egypt, as the verse states, ‘And you shall remember that you were a slave in the land of Egypt and G’d redeemed you...’ In addition, the mitzvah of the Jewish slave is a remembrance for Creation as the day of Shabbos is. The seventh year of the slave is a respite from working for his master just as the seventh day of Creation (when G’d had refrained from creative activity). There is another allusion to the number “seven” among the seven Sabbatical cycles, which conclude with the Jubilee Year (Yoveil). “Seven” was chosen to be represented in days, years, and in Sabbatical cycles. All of this is to

communicate the same concept which is the profound understanding of existence from the beginning of creation until its completion. Therefore this mitzvah is appropriate to be the first to be introduced (after Sinai) because its representation is very profound. This mitzvah alludes to great things regarding the creation of existence.”

Ramban continues, “Therefore the Prophet speaks so strongly regarding the release of the Jewish slave and maidservant in the seventh year. The liability for withholding his release is exile – similar to the liability for not observing the Sabbatical years.” From the time of the entry of the Jewish people into the Land of Israel until the destruction of the First Temple, they had violated 70 Sabbatical years. They therefore were exiled to Babylon for seventy years.

Commemorating the act of Creation by refraining from work on the seventh day of the week or leaving the land fallow during the seventh year (refraining from all agricultural activity) and observing the Jubilee year, one is commemorating and declaring that G'd is the Creator and Master of the universe. If the individual should violate these periods of time, he is demonstrating his own mastership over his own existence, rather than acknowledging and submitting to G'd as the Creator and Master. G'd said, “Because you were not willing to accept Me as the Master, I will impose upon you a mortal master outside of the Land of Israel.”

Everything has a beginning and an end. Initially we must establish G'd as the Omnipotent Being, Creator and Master of the universe. The process of Creation is continuous and ongoing. Once this has been established, and internalized one is able to advance to a level of appreciating the unity of G'd on the most obvious level. This will only come about at the end of time when G'd will vanquish all evil and He will be the King over all existence.

2. The Cost Factor that is Necessary to Acquire Spirituality

The Torah states, “**And these are the ordinances that you shall place before them: If you acquire a Jewish slave (eved ivri), he shall work for six years; and in the seventh he shall go free, for no charge (chinum).**” Ohr HaChaim HaKadosh explains this verse on an allusionary level. He writes, “The human being is a composite of the physical and the spiritual. Just as the slave is acquired and subjugated by his master, so too must the physicality of man be controlled and subjugated by his

spirituality. The Portion begins, “**And these are the ordinances that you shall place before them...**” to indicate that one must be continuously cognizant of the struggle to subordinate the physical to the spiritual. This is the objective of life.”

Ohr HaChaim HaKadosh continues, “Why does the Torah refer to the slave as ‘eved ivri (Hebrew slave)’? It is because the word ‘ivri’ is derived from the word ‘oveir (passing)’, which means transient. The physicality of man is only temporary...As the verse states in Psalms, ‘Life is similar, to a passing shadow’...One may live for sixty years and when he enters into the seventh (ten year period), he will pass on. The slave works for six years for his master and in the seventh year he goes free. As it states in Psalms, ‘The dead are free.’ The verse continues, ‘**he (the slave) shall go free, for no charge (chinum)**’ This alludes to the fact that when one passes away he leaves this world through ‘chinum.’ What is the meaning of ‘chinum’? It is referring to the angel of death (s’m’) and his entourage, as they are referred to by the Zohar. They have no intrinsic value whatsoever. (The angel of death, satan, and the evil inclination are of the same power which has no eternal value (chinum)). And therefore they have no dominance over a mitzvah which one performs through expending great amounts of money. As you also find, anything that represents spiritual impurity is available without effort or payment (chinum). This is not the case with the performance of a mitzvah that requires a great level of effort and financial outlay.”

Yisod v'Shoresh ha'Avodah writes regarding Rosh Hashanah and Yom Kippur that it is important for one to purchase the honors, which the days afford the individual, although it may entail great expenditures. He cites the Zohar that when one demonstrates his esteeming/valuing a mitzvah through purchasing it despite the financial cost, it brings about great merit. Simply one could say, that one's merit is a reflection to what degree he esteems and values the mitzvah. However, based on the Zohar cited by Ohr HaChaim HaKadosh we can understand this on a more profound level.

The forces of evil such as the angel of death, satan, and evil inclination are false and have no substance. They are all of the same power. They are ‘chinum’ because they have no eternal value. The Torah tells us that during the Covenant between the parts, G'd had instructed Avraham to take several species of animals to be severed into two parts, each of which had a specific representation. One of the species that he had taken was ‘gozal (young dove)’ The Midrash explains that ‘gozal’ is referring to Esav/Edomites because they “deceive (gozal) mankind.” Esav/Edomites,

which represent the evil inclination/satan/physicality continuously deceive mankind into believing what is not real. When one demonstrates his level of esteem and value for a mitzvah, it is not subject to satan and his entourage, who are classified as “chinam.” The forces of evil cannot have any effect on a mitzvah that one performs with great expense (physical/financial/sacrifice).

The Gemara in Tractate Menachos tells us that the physical world was created with the spirituality of the Hebrew letter “hey”. The letter “hey” is comprised of a horizontal line, which rests on a vertical line on its right side and vertical line on the left, which does not quite reach the horizontal line (its roof). There is a small opening on the left side of the letter between the left leg and the roof of the letter. The Gemara tells us that the shape of the letter signifies the reality of physical existence. The wide-open space between the right and left leg alludes to the fact, that if one chooses the material and impurity, he can go into spiritual freefall without any hindrance. However, when one wants to repent and rehabilitate his spirituality he cannot return on the same path, but must return with difficulty through the small opening on the left of the letter “hey.” Evil is abundant and available without any difficulty- ‘chinum’/free of charge/easy to acquire; however, spirituality and attaining purity is something for which one must sacrifice greatly in order to achieve it.

There is nothing in existence more precious than the Torah itself because it is the wisdom of G’d. In fact, G’d Himself refers to the Torah as “Lekach Tov (Good Commodity)”. Its study is equivalent to all of the mitzvos combined. The Gemara in Tractate Megillah states, “One who says ‘I have toiled (in Torah) and have come upon it’ –should be believed. One who says, ‘I have not toiled and I did come upon it’ –is not to be believed.” One can only come upon the truth of Torah, which is the ultimate, only through sacrifice, which is the toil and dedication to comprehend it. The only time one has relevance to the acquisition of Torah, which is the ultimate of value, is if one sacrifices sufficiently. This is because sacrifice is the antithesis of ‘chinum (no value)’ which represents spiritual impurity and nothingness. As the Gemara in Tractate Berachos tells us that one cannot acquire the Torah unless he is willing to die for it (sacrifice). It is only when one is willing to compromise his own comforts for the sake of the acquisition of Torah, will he be able to acquire it.

The Gemara tells us that one has a conjugal obligation to his wife on the night of her immersion in the mikvah. Shaloh HaKadosh explains that at the time of conception, the evil forces try to negatively impact upon

the potential of the child that is meant to be conceived. This is because every Jewish child has the potential to bring about unfathomable levels of spirituality and holiness into existence. Therefore the evil forces attempt to impact negatively upon the future of the child at the moment of conception. Man’s natural inclination is to be physically drawn and attracted to his wife. However, the Torah prohibits one to have physical contact with her during the time of her impurity (menstrual cycle). Thus, one must go against his natural inclination by refraining. This is considered a sacrifice. In the merit of this restraint, G’d responds measure for measure by rewarding the individual by intervening and not allowing the evil forces to tamper with the conception of the child on the night of immersion. Similarly, the conjugal obligation of a Torah scholar is on the Shabbos because since the essence of Shabbos has a semblance of the spirituality of the World to Come, the negative forces cannot detract from the purity of the child that is meant to be conceived.

3. *The Pervasive Truth of G’d*

The Torah states, “**Distance yourself from a false word...**” One would think that the Torah should have stated, “do not speak a false word.” What is the significance of distancing oneself from falsehood? One could say that since a person is inclined and susceptible to speaking falsehood, one must take every precaution to distance himself from it.

Sforno explains, “One must remove himself from anything that will ultimately bring about falsehood. As the Mishna in Pirkei Avos (Ethics of our Fathers) tells us, a judge should interrogate a witness in a manner that obscures the true intent of his questions. This is because if the witness were to understand the intent of the questioner, he would consequently tell him what he wants to hear. This is what is communicated through the law, “**Distance yourself from a false word...**” Thus, the Torah is teaching us that even if an individual does not speak falsehood, but engenders falsehood, he is in violation of this law.

The Torah continues, “**Do not execute the innocent or the righteous, for I shall not exonerate the wicked.**” Rashi explains the verse by citing a Gemara in Tractate Sanhedrin which describes two scenarios. The first situation is when the court finds an individual guilty and subsequently new evidence arises that confirms his innocence. The Gemara tells us that the court must admit the new evidence and overturn the guilty verdict. An innocent man/tzaddik cannot be punished. The second

situation is when the court rules that the individual is innocent and subsequently new evidence is presented that demonstrates his guilt. The Gemara tells us that the court is not permitted to retract its innocent verdict and he is not punished. Chazal ask, "How is it possible that the Torah allows a guilty party to go free without punishment?" They answer, "G'd has many agents." Meaning, that although he will not be subject to the punishment of the court, ultimately Divine retribution will come upon him.

The Gemara in Tractate Shabbos states, "The signet of G'd is Truth." If the signet of G'd is Truth, then the court which has been charged to mete out G'd's justice must therefore reflect His Signet, Truth. How is this possible? G'd's judgment is perfect without inequity because He is the Omnipotent One. However, a human being, regardless of his dimension of person and proficiency in the subject matter, is nevertheless subject to error. If so, how does the Torah rely on man's judgment to render justice? The Gemara in Tractate Sanhedrin cites the verse from Psalms, "*Elokim netzav ba'adas keil* – G'd stands (associates Himself) with the congregation of G'd." Meaning, if the judges of the rabbinic court meet the criteria of the Torah, establishing them as a credible court, then G'd will associate Himself in judgment to give them the necessary clarity so that they should not err. They come upon their verdict through Divine Assistance. It is through G'd's eyes that their decision is formulated. Thus, there is no concern that their decision is anything but truth.

The Midrash states, "If there is justice below, there is no need for justice from above. However if there is no justice below, then there will be justice from above." Meaning, if justice is issued by the earthly court, then there is no need for Divine Justice. However, if the court is corrupt and does not render proper decisions, then there will be Divine Justice, which is catastrophic and devastating. Justice is a necessity for existence. If the earthly court functions as the implementers of justice, they are acting as G'd's agents. Therefore Divine Justice is not necessary. However if they are corrupt, they do not represent G'd and therefore G'd must implement His own Justice.

If new evidence comes to light that will exonerate the person that was found guilty by a proper court, then their verdict must be overturned. This is because G'd, allowing new evidence to surface before the execution, is an indication that He is involved with the process of the court and does not want this individual to be put to death. Based on the Attribute of Justice, there is no perfect person. If the Attribute of Justice would be in effect, this individual (as well as any other individual) would surely

deserve to die. Therefore if G'd allowed the court to overturn their verdict, it is an indication that He wants the Attribute of Mercy to be implemented. This itself is an expression of G'd's Signet of Truth. The Attribute of Mercy is dictating that the defendant must be given another chance. Therefore the Torah states, "**Do not execute the innocent...**" However, if new evidence were to be presented proving the guilt of the one who was found innocent by the court, they have no right to retract their decision of innocence. Although the individual is truly guilty, since the court had found him initially innocent, it would not reflect well on the court that acts as G'd's agent to put to death one who was perceived to be innocent. However, if in fact he is truly guilty, justice will be meted out because G'd has many agents. Meaning, Divine Justice/retribution will ultimately come upon the individual.

Similarly we find in the Gemara in Tractate Makkos regarding two individuals. One of them had committed premeditated murder however it was not witnessed. Therefore he could not be prosecuted by the court. The other individual killed inadvertently and his action was not witnessed. Therefore he did not flee to a city of refuge as he was obligated to do. The Gemara tells us that these two individuals met at an inn and shared a room for a night. The individual who had committed premeditated murder took the lower bunk and the inadvertent killer took the upper bunk. As the individual ascended the ladder to get to his bunk, he fell on the individual in the lower bunk and killed him. This was witnessed. Consequently, Divine Justice was meted out. The murderer in the lower bunk received the death sentence that he deserved and the inadvertent killer now must flee to the city of refuge as initially he was obligated to do. As it states, "G'd has many agents."

The Torah continues regarding the court, "**Do not accept a bribe, for the bribe will blind those who see and corrupt words that are just.**" Chazal tell us that the judge who accepts a bribe will ultimately forget his Torah study. This is because Torah is the ultimate in Truth and receiving a bribe is the antithesis of that. Thus, he is the equivalent of a tainted receptacle that does not have the capacity to contain G'd's Wisdom, which is Truth.

4. Another Important Aspect of Remembering Our Experience in Egypt

The Torah states, "**You shall not aggrieve or oppress the stranger (convert), for you were strangers in the land of Egypt...**" Rashi explains, "The reason one

is not permitted to aggrieve the convert (stranger) is just as you single him out because he is a stranger to be discriminated against, he too can say that you were also a stranger like himself in Egypt.”

Ramban explains the verse differently, “G’d is saying, ‘Do not aggrieve the convert and victimize him because you believe that there is no one who can save him from your hand. Because you know that you were strangers in the land of Egypt and I saw how the Egyptians had victimized you and I avenged your plight. I see the tears of those who are victimized and do not have anyone to console them and have no power against their tormentors. I intercede and save all man from the hand that is stronger than he is.’ Similarly there is a negative commandment not to oppress the widow and the orphan because they do not have anyone to defend them. G’d listens to their outcry because their faith is in Him. The spirit of the convert is low and he is pained and cries out. His eyes are always directed to G’d who will have mercy upon him as He had mercy upon the Jewish people when they were in Egypt...” Why is G’d particularly sensitive to the pain of the convert, the widow, and the orphan?

Every day we declare the Unity and Kingship of G’d. We accept His dominion with the recitation of the Shema. However, we very often conduct ourselves in a manner that is incongruous to our stated belief that He is the Omnipotent One. We believe that our success is a result of our own initiative and not merely an endowment from G’d that has no relevance to our qualifications. One who chooses to victimize the weak does so because he feels and believes that there will be no reaction from society because it does not appreciate the plight of the weak. By behaving in this manner, the oppressor/victimizer is in essence denying G’d’s Dominion. If he truly believed in G’d as the Master of the Universe and consequently in Divine Retribution, he could not victimize another individual regardless of his helpless state. When one demonstrates, through his behavior of aggrieving the convert, widow, or orphan, that he does not believe in the dominion of G’d, the oppressor will be subject to Divine Retribution to demonstrate that He is the Master.

The Gemara tells us that one who lends money with interest (ribis) is the equivalent of denying the existence of the G’d of Israel. It is true that one who lends money with interest is violating a negative commandment; however, why do we classify him as a denier of G’d? The Gemara in Tractate Shabbos states, “One’s sustenance is set from Rosh Hashanah to Rosh Hashanah.” Meaning, G’d allocates one’s stipend for the entire year on Rosh

Hashanah. One cannot earn more than what G’d has allotted for him, regardless of his efforts. If one chooses to increase his income through violating the Torah, he is in essence saying that he is the determiner of his own fate. In effect, in this person’s own eyes he believes that G’d has no relevance to his financial success. Thus, lending money with interest is a denial of the G’d of Israel.

Chofetz Chaim writes in his work *Ahavas Chesed* that although it is permitted for one to lend money with interest using a special document (*heter iska*) that structures the “interest” as a dividend on an investment, one should refrain from doing so. He writes, “If one’s primary livelihood is not derived from these types of transactions, one should refrain from doing this to make a few extra slivers of silver. One should demonstrate chesed (kindness) to the individual who needs the loan.” By believing that one could earn extra income at another’s expense, by using a “heter iska,” he is circumventing doing the true Will of G’d.

A Jew who performs the mitzvos with a proper perspective to serve the Master will have a sense of G’d’s Presence in every aspect of his life. Even by only mentioning the Name of G’d, he will have a sense of His Presence. Because this person actualizes G’d in his life, through doing His Will, he would not consider lording over his fellow to any degree. Victimizing his fellow is not even to be considered.

5. *Putting One’s Predicament into Perspective*

The Torah states in the Ten commandments, “**You shall not covet your fellow’s house. You shall not covet your fellow’s wife, his manservant, his maid servant, his ox, his donkey, nor anything that belongs to your fellow.**” Ibn Ezra writes, “Many people are taken aback by this negative commandment. How is one to control his own feelings and emotions? I will explain it with an allegory. There was a villager who was well-rooted in common sense. When he sees the beautiful daughter of the king does it even enter into his heart that he should desire her or cohabit with her? He understands that such thoughts are meaningless because it is an impossibility for him to even approach her. He thinks to himself, ‘Am I not sane? When I see the birds flying in the sky does my heart lust to have wings as they do?’ He understands that these things have no relevance to him. Similarly does one have sexual desire for one’s own mother? Although she may be beautiful, he through conditioning understands that she has no relevance to him. Therefore anyone with intelligence

should understand that whatever one has in life, it is unrelated to his own capability.”

He continues, “One has only what G’d provides for him. Even if one does not toil, G’d will give him his portion. Children, livelihood, and quality of life are not determined by one’s merit, rather it is dependent on his mazal. One who understands this, will not desire anything that is not his own. After one understands that his fellow’s wife is forbidden to him by the Torah, he will know that she is even more removed from him than the king’s daughter is to the villager. As a result of this understanding, one will rejoice in his portion. If one understands that the reason he does not have something is because G’d Willed it to be so, then he will be content. Is it possible to consider to take something against His Will? The only reason one does not rejoice in his portion is because he incorrectly believes that he should have what he does not.” The Torah is not telling us that one should not take the initiative to achieve more than what he has, rather, if he does not succeed in his endeavor he should understand that if G’d meant for him to succeed it would have been so. It is only then that one will rejoice in his portion.

Ibn Ezra addresses the aspect of the negative commandment of controlling one’s emotion and desire. However, one must understand why does he believe that he deserves to have something that is not his. This is rooted in one’s ego. One cannot rejoice in his portion/lot if he believes that he deserves minimally what his fellow has. One’s level of expectation is determined by one’s own perception of self worth. Consequently, the haughty individual will continuously pursue more than what he has without being content. However, if one is truly humble he understands that there is no basis for expectation because G’d determines what one receives.

The Gemara in Tractate Yoma states, “Hillel obligates the poor (regarding Torah study). After 120 years when one will pass away Hillel will be the basis for the prosecution of the poor person who did not designate time to study Torah. G’d will ask him, ‘Did you set a specific time for daily Torah study?’ He will answer, ‘With all of my financial difficulties did I have any time in the day to study Torah? I needed every moment to eke out a living.’ G’d will respond, ‘Were you more destitute than Hillel the elder?’” Every day Hillel would go out and chop wood to earn two pennies. He would give one coin to his wife to support his family and the other coin to be used as an entrance fee to be admitted into the study hall. If Hillel took time out of his Torah studies each day to earn two pennies, why did he not simply take enough time in one

day to earn all that was needed for the entire week? He could then study without interruption for the remainder of the week.

The Gemara in Tractate Sanhedrin tells us that if the Torah had not been given to Moshe, it could have been transmitted through Hillel the elder. His level of humility was sufficient for him to be qualified to receive the Torah. He understood that he only needed two coins per day. If he were to earn more than the minimum that was necessary for that day, he would have excess funds that were not needed for that particular day. Although he knew that the additional money would be needed for the rest of the week; however, presently he would see it as excess. By having the additional money in his possession, he understood that it was possible that it could take him to new horizons of necessity. Understanding that this would be a potential pitfall, Hillel did not want to earn more than the minimum that was necessary for that day.

One should take initiative; however, the result of that initiative and level of success is only determined by G’d. Therefore only the one who rejoices in his portion will be truly satisfied with whatever the outcome will be because it is all determined by G’d Himself.

YAD AVRAHAM DAILY CLASS SCHEDULE

Monday Through Friday

5:50- 6:00 am	Chumash with Rashi
6:00- 6:15 am	Pirkei Avos (Maharal)
6:15- 6:30 am	Mishna Berurah
6:30 -6:45 am	Mussar – Nefesh HaChaim
6:45 -7:25 am	Talmud—Tractate Chulin
7:25 - 8:20 am	Davening Followed by Breakfast
8:20 - 8:45 am	Mishna - Rabbi Rovner
9:00 -10:00 am	Daf Yomi
2:00pm	Mincha

Special Weekday Classes

Monday

11:30 – 12:30pm **Talmud: Megilah**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street

Tuesday

12:10 - 1:10pm **Torah Insight Based on the Parsha**
Location: Yad Avraham

Wednesday

11:30 – 12:30 pm **Talmud: Megilah**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street

1:00—2:00 pm Daas Tevunos

Location: Yad Avraham

Thursday

11:00 –12:00pm **Tehilim with Malbim**
Location: Yad Avraham

12:30 – 1:30 pm **Talmud: Megilah** Sunrise Capital 641 Lexington (25th FL)