

## DEBAR TORAH *by* RABBI ROHDE

### Equal and Limited Liability Before the Law

*But if other damage ensues, the penalty shall be a life for a life, an eye for an eye, a tooth for tooth, a hand for a hand, a foot for a foot, a burn for a burn, a wound for a wound, a bruise for a bruise. (Ex. 21:23-25)*

*If, however, that ox has been in the habit of goring, and its owner, though warned, has failed to guard it, and it kills a man or a woman—the ox shall be stoned and its owner, too, shall be put to death (Ex. 21:29)*

The J. H. Hertz Commentary on the Pentateuch mentions a St. Augustine commentary contrasting the Scriptural “eye for an eye, a tooth for a tooth” lex talionis with pagan Roman law in which, so to speak, “two eyes” could be demanded for payment for injury, especially if the injurer was a slave or of a lower class and the injured was of a higher class. Hertz also points out that such differences in retribution based upon class and freeman/slave or citizenship levels were the case in the Hammurabi Code. Those points are well-taken: Much of the point of the Mishpatim laws is to ensure that the same level of law would apply to rich and poor alike, across all levels of Israelite society. Of course, all such laws were to be understood as metaphorically referring to monetary compensation, but the main lesson the Torah teaches is that the same general guidelines for compensation were to apply to rich and poor, advantaged and disadvantaged alike. Some minimal distinctions in the law were made regarding slaves, who had a special status, but the overall point is that all are to be considered equal before the law, and that laws of damages and compensation are to be equitably applied across the board. We in America and the West often take this principle of “equality before the law” for granted, but in the histories of societies it may be much more rare. And in practice, with our modern American court system’s tendency to favor those who are privileged to afford to hire the highest levels of legal representation, real practical “equality before the law” may be rarer than ever. Our Parasha’s demand for fair and equal treatment by the law and the justice system – i.e., the value of one tooth, and not two, just because the plaintiff is wealthy – we read this year coupled with the Shekalim portion, which even more emphasizes the equality of all citizens in some taxation matters. Taken together, the point of having such a codified system is to ensure that the same law can be equally applied to all citizens, and that we must strive to assure that all are seen as equal before it.

The other strong impression I had in my reading of Parashat Mishpatim this year is of how the Torah seeks to frame liability, both theoretically and practically. Building upon what I wrote last week that for Israel only God is the True Judge, the Torah can have both little limitation upon liability before God but practical limitation upon liability before man in its justice system. Even for an ox which gores a man to death whose owner was warned that it was wont to gore, the Rabbinic interpretation is that its owner “shall be put to death” by the hand of God,” but not by a human tribunal. The owner of an ox known to gore which kills who does not watch it is wantonly irresponsible and guilty for the death, but our justice system will not kill him, for he is completely liable but still not directly responsible for the death. He is totally guilty before God for the death, but there are limits to the level of liability which man can prosecute, even in terms of monetary compensation. Our Torah maximizes guilt and the level of responsibility we expect before God and as good citizens, but limits practical claims for liability. A morally-behaving society can be nurtured by fostering fear of God’s Justice, not through lawsuits and prosecutions. Towards God there is no limit to our guilt and liability: In God’s eyes, a man who puts out the eye of another really deserves to suffer the same fate himself. But what practical good would it do here on earth for both to be blinded? Better to inculcate fear of guilty Ultimate Judgment before God’s Tribunal than practically prove and enforce claims of liability before human courts. Theoretically we must all confess our guilt before God, but practically we try to limit claims for liability and enforcement.



CONGREGATION SHEARITH ISRAEL  
The Spanish & Portuguese Synagogue

## Shabbat Mishpatim-Shekalim

February 13-14, 2026 | 27 Shebat, 5786

### SCHEDULE

**Hertz:** Parasha: 306 | Shekalim: 352 | Haftarah: 992  
**Kaplan:** Parasha: 356 | Shekalim: 440 | Haftarah: 1270

**Candle Lighting** | 5:11 pm

**Evening Services** | 5:15 pm | Main Sanctuary

**Friday Night Lights** | following services | Rabbi Soloveichik | *5786 Season sponsored by the Julis-Romo-Rabinowitz family*

**Zemirot** | 8:15 am | Main Sanctuary

**Shahrit** | 9:00 am | Main Sanctuary

**Tot Shabbat** | 10:00 am | Fidanque Youth Room

**Jr. Congregation** | 10:30 am | Little Synagogue

**Kiddush** | following services

**Shabbat Afternoon Class** | 4:25 pm | Rabbi Meir Soloveichik

**Teen Shiur will not meet this week.**

**Evening Services** | 5:10 pm

**Habdala** | 6:00 pm

*Rosh Hodesh Adar begins on Monday night.*

### Weekday Service Times

#### **Mornings:**

Sunday & Monday (Presidents Day): 8:05 am

Tuesday-Friday: 7:05 am

#### **Evenings:**

Sunday & Monday (Presidents Day): 5:15 pm

Tuesday-Thursday (Arbit only): 6:30 pm

**Our office will be closed on Monday for the legal holiday.**

## IN CELEBRATION OF THE US SEMIQUINCENTENNIAL

*And 250 Years of Jewish Life in the United States*



### Rabbi Soloveichik's Major Lectures

**Final Session: NEXT Shabbat, February 21**

**After Morning Services**

These lectures highlight Shearith Israel's historic personalities central to the founding and formation of our American democracy.

*Stay up to date at [shearithisrael.org/us-250](http://shearithisrael.org/us-250).*

### The West Point Jewish Chapel Choir

**NEXT Shabbat, February 21 | Following Morning Services**

As a meaningful "opening act" to the finale of Rabbi Soloveichik's 250th lecture series, we welcome the West Point Jewish Chapel Choir. The choir will perform selections celebrating our proud American and Jewish traditions. At Kiddush, we will meet these remarkable cadets and learn about their experiences as Jews at West Point.

### Faith for Food

**The Masbia UWS Food Annex at Congregation Shearith Israel**

***Learn more & contribute at [shearithisrael.org/giving/faith-for-food](http://shearithisrael.org/giving/faith-for-food)***

This year-round weekly kosher food pantry provides ample and nutritious grocery staples to our neighbors each Tuesday.

### To Help Someone in Manhattan with Food Insecurity

Email [CSIANnex@masbiarelieff.org](mailto:CSIANnex@masbiarelieff.org) with a name and cell phone number. A trained Masbia representative will reach out regarding enrollment.

### COMMUNITY ANNOUNCEMENTS

Mazal tob to **Martine & Jack Schenker**, upon the marriage of their granddaughter, Bella (Levy) to Dovy Mintz.

Thank you to **Travis Krueger** for sponsoring a Minyan Breakfast this week, in memory of Darryl Krueger.

### Of Interest to Our Community

*Limited space - make sure to register!*

**Why Local Elections Matter &**

**How Our Community Can Win Them**

**Tuesday, February 24 | 7:30 pm | Register at [jewishcenter.org](http://jewishcenter.org)**

## COMING UP

*Register at [shearithisrael.org](http://shearithisrael.org)*

*Special Presentation from the Sisterhood & Shearith Israel League*

### Cinematic Memorial Event: Arthur Cohn

**Sunday, February 22 | 2:00 pm | \$20**

We will host a cinematic memorial lecture by Arthur's son, Emanuel Cohn, who will celebrate his father's Academy-Award-winning legacy with a talk on his life and work, including a selection of clips from his films.

### BOOK LAUNCH: *The Grand Worldview of Rav Uziel*

**with Rabbi Marc Angel**

*Co-sponsored by the Habura in collaboration with the Institute for Jewish Ideas and Ideals*

**Tuesday, February 17 | 7:00 pm (after 6:30 pm Evening Services)**

Rabbi Ben-Zion Meir H̄ai Uziel—Sephardic Chief Rabbi of the Land of Israel—articulated a Judaism both deeply faithful and boldly engaged with the modern world. Rabbi Angel's new book, *Loving Truth and Peace*, draws on his writings to present his vision.

### PURIM PREVIEW

*Visit [shearithisrael.org/purim5786](http://shearithisrael.org/purim5786) for all your Purim needs, including:*

- Matanot L'Ebyonim
- Purim Dinner & Breakfast Sponsorships
- Women's Megillah Reading
- Youth Programming

### YOUTH CORNER

To win a raffle ticket at kiddush, find Dalya & Jake with the answer to this riddle:

*For six years you work the field and sow your grain,  
But then comes a year when you must refrain.  
You leave it for all — rich, poor, beast, and stranger,  
What holy seventh year frees land from labor?*

### RESCHEDULED: Parent-Child Learning

*Final session, with Baruch-Lev Kelman:*

**NEXT Motzei Shabbat, February 21 | 7:00 pm**

**Registration Open: Purim Palooza!**

**Purim night, March 2 | 6:00 pm, during Megillah reading**

Crafts, prizes, Purim story, and more! Come dressed in your best costume for a Purim Costume Contest! Sign up or sponsor at [shearithisrael.org/purim5786](http://shearithisrael.org/purim5786).