

## Parshat Mishpatim 5778

*Im kessef talveh es ami, es he'oni imoch, lo sihyeh lo kenosheh, lo s'simun olov neshech.* If/when you lend money to my people, to the poor person who is with you, do not act towards him as a creditor; do not lay interest upon him. (*Shemos 22:24*)

The above *possuk* from this week's *Sedra* of *Mishpatim* is the first of various *pesukim* in the Torah that encourage lending to the poor, amongst fellow Jews, and/or prohibit interest in relation to such lending. These other *pesukim* can be found within *Parshiyos Behar, Re'eh and Ki Seitzei*.

The precise wording of this *possuk* has much depth of meaning; it conveys so much more than merely an idea to lend money, together with some associated rules.

At the very outset, the Hebrew word *im*, takes on a different meaning to the usual 'if'. *Rashi*, quoting *R' Yishmael*, says that this is one of only three examples in the Torah (the others cited are in *Shemos 20:22 and Vayikro 2:14*), where instead of meaning 'if', the word means 'when', from which it is learnt that to assist the poor with a loan is not optional, but obligatory. The obvious question to be asked (and to be answered later) is, why does the Torah use a word with ambiguous meaning, rather than one that specifically conveys the obligation to lend?

*Rambam* lists eight diverse ways of giving charity, seven of which involve different attitudes to and methods of giving. Perhaps somewhat counter-intuitively, the eighth and best method is to lend money to the needy; a person who receives a loan has no cause to feel embarrassed or to lose their self-respect, since the lender has effectively proved with the loan, that he believes that he will be repaid.

According to *R' S R Hirsch*, the root of the word *talveh* – you lend, תלוה, primarily denotes attaching oneself to another in order to further his welfare. Thus, by lending money to a needy person, he is no longer alone with his troubles, since you are bringing him into association with you, for his benefit.

On the words *es ami* – my people, *Rashi* provides us with a 'pecking order' of priorities for determining to whom one should lend: "My people" before a non-Jew; amongst My people, "the poor person"; and to which poor person? – to the one who is "with you" *heoni imoch*,

defined by both *Rashi* and the *Mechilta* as being either your relative or one who lives in your city.

We then come to the phrase "do not act towards him as a creditor – *kenosheh*." Not only is it forbidden for the lender to remind the borrower of the loan, particularly if he knows that funds are not (yet) available for any repayment, but the lender must (literally) go out of his way not to cause the borrower embarrassment. Thus, for example, he should even change direction, if he sees the borrower walking towards him! *Ramban's* interpretation, is that there is no right for the lender to act in a superior way towards the borrower, rather to act towards him as if he had never borrowed anything from him.

The final phrase of the *possuk* is the interest prohibition - *neshech*, a word that also means bite, for interest is like the bite of a snake, which initially the victim might not even feel, but the pain of which, ultimately fully consumes him and takes his life. Similarly, with interest; the borrower is barely aware of it at first, but it accumulates to such an extent, that the interest can even exceed the original loan, leaving the borrower destitute and without any financial hope. (*Rashi*)

The commentary of the *Ohr Hachayim Hakodosh (OHH)* on the *possuk* is most insightful. He maintains that in an ideal world, there ought to be no rich and no poor, no lenders and no borrowers, but that everyone should receive from Hashem exactly what they require to live. But Hashem has created the world in such a way that He provides certain individuals with excess funds, with which to redistribute to those with insufficient funds. To answer the earlier question, not everyone has the means to lend money, but that **if** Hashem has provided one with money in 'excess' of his needs, which is thereby available to lend to the poor, then that person is expected and obliged to do just that, since the money really is that of the poor, merely being held 'on trust', as an agent of Hashem, by the wealthy person. The *OHH* goes on to say, that there is neither basis for acting like a creditor, as described earlier, nor basis for charging interest, since the money is not really that of the lender in the first place!

In conclusion, the message of *yetzias Mitzrayim* is that no individual should ever be able to lord it over another individual, but that we are all *avdei* Hashem, owned by and indebted only to Hashem. It is no wonder then, that in emphasising the severity of the prohibition against interest, *Rambam* was moved to state that "anyone who writes a contract with an interest charge.....denies both Hashem and *yetzias Mitzrayim*."