BS"D
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Potomac Torah Study Center
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Rosh Hodesh Adar is next Friday and Shabbat

NOTE: Devrei Torah presented weekly in Loving Memory of Rabbi Leonard S. Cahan z"l, Rabbi Emeritus of Congregation Har Shalom, who started me on my road to learning more than 50 years ago and was our family Rebbe and close friend until his untimely death.

Dr. Erica Brown, Scholar-in-Residence for the Jewish Federation of Greater Washington, is the guest scholar next Shabbat at the 22nd Annual Herbert Lieberman & Ruben D. Silverman Memorial Shabbaton at Beth Sholom Congregation in Potomac, MD (February 28-March 1, 2025). The Lieberman and Silverman families dedicate this week's Devrei Torah in memory of Herbert Lieberman and Ruben D. Silverman.

Devrei Torah are now Available for Download (normally by noon on Fridays) at www.PotomacTorah.org. Thanks to Bill Landau for hosting the Devrei Torah archives.

May Hashem protect Israel and Jews everywhere during 5785. May Hashem's protection shine on all of Israel, the IDF, and Jews throughout the world. May the first phase of the agreement continue with the remaining hostages coming home, hostilities ending, and with a new era of security and rebuilding for both Israel and all who genuinely seek peace.

Shiri, Ariel and Kfir Bibas, kidnapped by Hamas terrorists in Gaza, were murdered at some point during their captivity. Ariel and Kfir, both very young children were the two youngest kidnapped Israelis. I am quoting part of AIPAC's statement:

> **"The murder of Shiri and her children is a horrific reminder of Hamas' true nature: It is a genocidal terrorist group that wants to wipe Israel off the map and murder every Jewish man, woman and child living there. "**

Their bodies were hopefully returned on February 20 along with that of 84-year-old Oded Lifshitz, one of the oldest kidnapped hostages, also murdered in Gaza.

I am writing on Thursday, 22 Sheva 5785, the day when Hamas delivered the bodies of four holy martyrs, holy souls of Israel whom they kidnapped and tortured for many weeks, until their bodies could take no more. Shiri Bibas was a young mother living in kibbutz Nir Oz near the Gaza border, with her husband Yarden and two young sons,
Ariel and Kfir. Hamas terrorists kidnapped them on October 7, 2023. After nearly 500 days as a hostage, Yarden was released on February 1, 2085 – not knowing whether the rest of his family was alive. Hamas finally released what it claims are the bodies of Shiri, Ariel, and Kfir today. This statement is tentative, because Israeli scientists must first use

DNA or other evidence to confirm that Hamas released the Bibas family members rather than some other bodies. The fourth coffin reportedly contains the body of Oded Lifshitz, 84 years old, apparently the second oldest of the hostages.

Parshat Mishpatim, which follows the Revelation at Har Sinai, reads like a law school textbook. The parsha contains 53 of the 613 mitzvot (commandments) in the Torah, concrete examples of damages and requirements for treating fellow living creatures, including slaves, widows, orphans – and animals. As Rabbi Marc Angel summarizes the parsha, the way we go through our daily lives defines how we become holy to Hashem (22:30). As a fellow traveler on an airplane once told her children in Rabbi Angel's hearing, everything you (and we) do should be a Kiddush Hashem.

Why does the Torah follow the drama of the Revelation with so many mitzvot that it is difficult to absorb them in one sitting? Rabbi Lord Jonathan Sacks, z"l explains that the way to absorb mitzvot is to live them. While the drama of the Revelation is something that no person there could forget, what probably stayed with the people was the drama, not the words and not any instructions on how to apply them to everyday life. Mishpatim starts the process of translating the Ten Statements into ways to follow them in life, in the real world. Rosh Yeshiva Rabbi Dov Linzer elaborates that doing comes first, then understanding. That is the meaning of *"na'aseh v'nishma"* – "we shall do and we shall listen." (24:7) B'Nai Yisrael accept the Torah by stating first that they shall do (follow the mitzvot) and then listen (study to learn the why of the 613 mitzvot). Another way of understanding this theory is what a Rabbi told me when I was college age. It is okay if a young person does not believe in God or is uncertain. Follow the mitzvot. Look around at the world. Study and come to learn over time to believe in God. The point is that doing (following the mitzvot) comes first, and a mature belief in Hashem can come with time. The generation of the Exodus had to follow that path to learn to believe, and so have many other Jews in subsequent generations. This analysis is the story of ba'al teshuvah – the way that so many Jews in our time decide to and learn to become frum.

Rabbi Mordechai Rhine extends the analysis to the impact of new technology. Powerful new inventions can bring many opportunities, but sometimes there are adverse side effects without some controls. Rabbi Rhine tells the story of a young person who discovered access to the Internet and soon became addicted to searching inappropriate web addresses all night. The young man required extensive therapy to overcome his addictions and return to a frum life.

Rabbi Dr. Katriel (Kenneth) Brander brings the focus back from relations with Hashem to our relationships with fellow humans. The focus of many of the mitzvot in Mishpatim is how we treat fellow humans. Yirmiyahu was writing during a time when human slavery was common. Many Jewish slaveowners would free their slaves after six years, as required, and then reclaim the former slaves. Yirmiyahu spoke out against this violation of the intent of the mitzvot and warned the people that God would expel them from the land if they did not reform and follow the intent of the law.

Rabbi Brander brings the message forward to this period of dealing with hostages and additional threats from our enemies in many parts of the world. What he sees missing from our response is looking inward. What moral failings in our relationships with others can we repair? It is not sufficient for us to be frum in our relationships with Hashem. We must also guard ourselves to deal honorably and sympathetically with fellow humans – in our families, in our communities, and with non-Jews. When we follow the intent as well as the words of the mitzvot in our daily lives, then Hashem will return us from captivity.

Shabbat Shalom,

Hannah and Alan

Much of the inspiration for my weekly Dvar Torah message comes from the insights of Rabbi David Fohrman and his team of scholars at www.alephbeta.org. Please join me in supporting this wonderful organization, which has increased its scholarly work during and since the pandemic, despite many of its supporters having to cut back on their donations.

Please daven for a Refuah Shlemah for Moshe Aaron ben Leah Beilah (badly wounded in battle in Gaza but slowly recovering), Daniel Yitzchak Meir HaLevy ben Ruth; Ariah Ben Sarah, Hershel Tzvi ben Chana, Reuven ben Basha Chaya Zlata Lana, Avraham ben Gavriela, Mordechai ben Chaya, David Moshe ben Raizel; Zvi ben Sara Chaya, Reuven ben Masha, Meir ben Sara, Oscar ben Simcha; Miriam Bat Leah; Yehudit Leah bas Hannah Feiga; Chana bat Sarah; Raizel bat Rut; Rena bat Ilsa, Riva Golda bat Leah, Sarah Feige bat Chaya, Sharon bat Sarah, Kayla bat Ester, and Malka bat Simcha, and all our fellow Jews in danger in and near Israel. Please contact me for any additions or subtractions. Thank you.

Shabbat Shalom

Hannah & Alan

Haftarat Parshat Mishpatim: Above and Below

By Rabbi Dr. Katriel (Kenneth) Brander * 5785 / 2025
President and Rosh HaYeshiva, Ohr Torah Stone

Dedicated in memory of Israel's murdered and fallen, for the refuah shlayma of the wounded, the return of those being held hostage in Gaza, and the safety of our brave IDF soldiers.

Parshat Yitro and Parshat Mishpatim represent two paradigms, two sides of the coin that make up our religious consciousness.

Yitro tells the story of the giving of the Torah on Har Sinai, that singular moment of revelation when God spoke directly to the Jewish people. It was a divine engagement, unmatched by any other moment in our history.

Mishpatim, on the other hand, is as mundane as one can imagine – laws about damages, oxen, stolen objects. Our parsha focuses on our everyday encounters with one another, setting forth the rules and norms that maintain a well-functioning society. These two components – our relationship with God and our relationship with others – are the hallmarks of our religious outlook, making them inseparable from one another.

The Haftarah for Mishpatim zeroes in on one of the laws appearing in the parsha, highlighting God's great concern for how we treat one another. In the Haftarah, the prophet Yirmiyahu exposes a troubling deception: Jewish slaveholders were indeed following the letter of the law by releasing their servants after six years of servitude, as technically outlined in Shemot 21:1-6. Yet instead of upholding the spirit of the law, they immediately reclaimed their former slaves – sidestepping the Torah's directive to ensure a pathway to true freedom for all.

In the face of this grave injustice, Yirmiyahu conveys to the people God's scathing rebuke , condemning their actions as a desecration of God's name*. "Therefore thus says the Lord; since you have not hearkened to Me, in proclaiming liberty, everyone to his brother, and everyone to his neighbour: behold, I proclaim a liberty for you, says the Lord, to the sword, to the pestilence, and to the famine; and I will make you to be removed into all the kingdoms of the earth."*)Yirmiyahu 34:17(

Essentially, if we fail to live up to God's expectation of us to build a just society, we are unworthy of God's protection and blessing in our sacred homeland.

Yirmiyahu's critique, sadly, remains painfully relevant today, even if slavery no longer exists in the Jewish world. Our failure to genuinely care for one another– to respect those who are like us and those who are not, those who agree with us and those who do not – this too is a desecration of the divine name, and such a failure may well threaten our place in this land.

Last year's heinous attack on our people and homeland was carried out by Hamas, who bear the unquestionable moral and physical responsibility for their atrocities. **But as a people rooted in Torah we are always called to self-reflection – not to explain tragedy, or relieve the perpetrators of their responsibility, but to emerge from it with even greater strength.** We are thus left to explore: what spiritual deficiencies can we repair? Can we improve in our capacity for respect, for seeing ourselves within the face of the other, as Torah demands?

We must look not just at God for such answers, but among ourselves. This should be our ultimate goal. For holiness in Judaism is rooted in the mundane in what we do in the everyday. The everyday defines our spiritual journey and our relationship with God. The closing verses of the Haftarah)Yirmiyahu 33:25,26(– deliberately selected from the previous chapter to ensure that the reading ends on a note of hope – offer a powerful promise. If we rise to meet God's expectations of us, both in our vertical relationship with Him and in our horizontal relationships with others, we will merit the divine blessing: *"And I will return their captivity, and I will have mercy upon them."*)33:26(.]emphasis added[

* President and Rosh HaYeshiva of Ohr Torah Stone, a modern Orthodox group of 32 institutions and programs. Rabbi Dr. Shlomo Riskin is the Founding Director, and Rabbi Dr. Brander is President and Rosh HaYeshiva. For more information or to support Ohr Torah Stone, contact ohrtorahstone@otsyny.org or 212-935-8672. Donations to 49 West 45th Street #701, New York, NY 10036.

Mishpatim: A Giant Step Toward Holiness

By Rabbi Label Lam © 2009 (5769)

> *"People of holiness shall you be to Me…"*)Shemos 22:30(
>
> *"HASHEM has plenty of Holy Angels but what He desires is that people guard the Holiness in this otherwise material world."*)The Kotzker Rebbe ztl.(
>
> "*If a man shall uncover a pit, or if a man shall dig a pit and not cover it, and an ox or a donkey fall into it, the owner of the pit shall make restitution."*)Shemos 21:33(

I know what you're thinking. I used to think the same thing. Who's got an ox or a donkey nowadays? What does this have to do with us? The truth is material conditions of societies have been and are currently in constant flux, and from here we learn one of the main principles of damage – " BOR"-- pit. A BOR is defined not just as a pit but as a stationary form of damaging agent as opposed to others that move like some domesticated animal or fire. It becomes particularly problematic when placed in the public domain. What does all this talk of pits and holes have to do with being holy?

The Talmud tells the following incident:

> *"We learned in a Baraisa: A person should not throw stones from his property into public grounds. It happened that a person was throwing stones from his property into the public domain. A pious man passed by and said to him, "Foolish one, why are you throwing stones from property that does not belong to you onto ground that does belong to you?" The man laughed at him. As time went by he had to sell his field and when he was walking on those public grounds, stumbled over his own stones. He then exclaimed, "That pious man was right when he said to me, "Why are you throwing stones from ground that does not belong to you onto ground that does belong to you?"*)Bava Kama(

In contradistinction, one of my Rebbeim told us in class that his wife had once stopped on the street to observe an amazing scene. She was not quite certain what she was witnessing though:

> Someone who was renowned as “The Tzadik of Monsey,” Rabbi Mordechai Schwabb ztl., was in front of his house with a large pair of pruning shears. This seemed unbefitting or uncharacteristic for such a revered rabbi to be doing that kind labor intensive garden work. He was reaching for some high branches zealously and clipping away when he noticed that this woman was staring at him with bewilderment. He paused and beamed in her direction with his usual radiant countenance and told her, “It’s a chessed! It’s a chessed!)An act of kindliness(. She came home and asked her husband, “What kindliness is there is trimming a tree?” She guessed, “Maybe there’s some mystical dimension at play here and extra branches are somehow painful for the tree!” He thought for a moment and laughed. He told her that he was probably removing those branches that hang low from his property onto the side walk and what he wanted was to simply make sure that his tree would not be the cause of somebody who would be strolling by having their hat knocked off their head or getting a poke in the eye. Maybe nothing deeper than that!

I suppose that’s how the pious one thinks. He’s concerned about his responsibility to the public domain in every possible way. There’s a hidden ingredient of that story that may have slipped unnoticed below the radar screen and may best be highlighted by the next incident:

> Once when I was a youngish Yeshiva student during the holy month of Eul, which is the prelude to Rosh HaShana and Yom Kippur, I was wearing a rather dour and sullen look on my face. One of the Rabbis approached me and asked me what the problem was. I blithely uttered, “Elul, Rabbi, Elul!” thinking that would be enough of a justification for the extra serious face. He told me, “Elul is what’s going on in your heart. That’s the private domain. Your face though is the public domain.” So the Mishne in Avos declares, *“Greet every man with a pleasant and interested face!”*

The Torah warns not just about carving a hole in the ground in a public area so that an ox should not dare stumble into it but also cautions regarding anything we may bring out from the private to the public domain. Respecting those boundaries and avoiding those kinds of pitfalls is a giant step toward holiness! DvarTorah,

Good Shabbos!

https://torah.org/torah-portion/dvartorah-5769-mishpatim/

If the Medium Is the Message, What’s the Message?

by Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2021

When the Children of Israel stood at the foot of Mt. Sinai, they famously declared *na’aseh ve’nishma – We will do and we will listen.”*)Exodus 24:7(. This phrase appears at the end of parshat Mishpatim, after all the laws that followed the Ten Commandments. And yet the Rabbis place it in the middle of Yitro, right before the giving of these commandments. For the Rabbis, the word *nishma,* we will hear, is meant to signify *“we will hear the details of the mitzvot.”* The greatness of na’aseh vi’nishma is that Bnei Yisrael committed to doing the mitzvot even before they knew what they would be. They were prepared to sign a blank check to commit to fulfilling the mitzvot.

Given the actual placement of this phrase after they had heard all the mitzvot following the events of Mt. Sinai, it is not possible to explain nishma to mean that *“we will hear the specifics”* later. A possible alternate explanation is that we asserted that we would first commit to doing the mitzvot, and only afterwards to try to make sense of them. To ask why God had commanded them so as to allow us to connect and relate to them in a deeper way.

Sfas Emes takes this approach one step further. Nishma, he states, is a desire to understand the mitzvot. But not for our sake, so we can relate to them better. It is for God’s sake and the Torah’s sake. Mitzvot are a concretization – his word is *“clothing”* – for the values that stand behind them. Let us suppose that kashrut is about a distinctive way of life and self-

control of our appetitive desires. Those are the deeper values that the Torah cares about. The specific and concrete way they translate is through the keeping of kashrut.

As religious Jews, we are obligated to attend to the nishma alongside the na'aseh. Our life should not just be one of observing the detailed halakhot. We should not think that just because we look everything up in the Mishneh Brurah that we have fulfilled our obligations. No. A religious life does not end with observance, with na'aseh. It must continue on to understanding what are the Torah values and living our lives accordingly. It needs to also be one of nishma.

And yet, na'aseh must come first. If we start with nishma, with the values, then we will see the mitzvot as just a means to an end, and they will become secondary and negotiable. We need to have an a priori commitment to na'aseh. If we proceed from there to nishma, our lives will be full religious lives – one anchored in mitzvot and striving to understand and live according to their values.

The concept of commandedness preceding engagement in the values can be seen by looking at the opening and closing of this week's parsha. In Yitro, we had pure commandedness: God's thundering voice and the people quaking in fear. In contrast, Mishpatim opens with*"And these are the laws that you shall present to them."* Present it to them for their approval. Let them review them and choose to freely accept them or not.

And so, after all the laws are given, Moshe writes them down in a book of brit, of covenant, and presents this book to Bnei Yisrael for their acceptance. It is at this moment that they say *naaseh vi'nishma,* after which Moshe ritualizes the covenant by sprinkling blood on the altar – representing God – and the people.

Covenant means partnership. What makes the partnership possible is the foundation of na'aseh. We understand that this is not an equal partnership. God is the commander, and we are the commanded. And we will do regardless. Na'aseh. But with that commitment, partnership is possible. We can now engage the nishma, bring our best human understanding to what the Torah values are, and our best understanding of how to apply them to halakha and mitzvot, and our best understanding how to realize them in our lives. This is what Torah she'ba'al peh means – partnering with God in the interpretation and application of halakha. It is the partnering of nismah made possible through na'aseh.

As noted, a commitment to na'aseh prevents an overemphasis on nishma that would lead a person away from a life of mitzvot. But there might be something here beyond simple a priori commitment. There might be a deeper way in which the nishma is embedded within the na'aseh.

The Canadian philosopher, Marshall McLuhan, was famous for coining the phrase that the *"medium is the message,"* that the same message can change radically based on the medium through which it is conveyed. A story told through a book is very different from the same story told through a movie. The medium shapes our understanding of the narrative and the inner life and dynamics of the characters.

The same, it can be said, is true regarding the mitzvot)the medium(and the values that lie behind them)the message(. The particular way that we affirm that God created the world and rested on the seventh day, and that God took us out of Egypt, is through the halakhic observance of Shabbat. This is very different than, say, the way a Christian might ritualize the same message. Because the media are different, the very message is profoundly different as well.

A message does not live in the abstract. The meaning of Shabbat is embedded in and expressed through the observing the 39 forbidden categories of labor and the associated Rabbinic restrictions; through the making Kiddush, Ha-Motzi, and Havdalah; and through the singing of Shabbat zemirot, and – before the age of COVID – going to shul and getting together with friends. If we attend to the message, the nishma, then the medium becomes the message. Na'aseh alone is an empty ritual, a medium with no message. Nishma alone is abstract and unembodied meaning. It is their integration which can create a life of embodied – and specific and particular – meaning.

Let us always start with a commitment to na'aseh — to Torah and mitzvot that we do because God has commanded it to us. And let us move from there to engage the nishma, to become partners with God in understanding the values of the

Torah, in seeing them embedded in our life of observance, and in bringing these values to all facets of our lives. For when we take these values and apply them to our lives, we act in partnership with God, and deepen the connection between God and humanity.

Shabbat Shalom!

* Rosh HaYeshiva and President, Yeshivat Chovevei Torah

From my archives

Eulogy for Rabbi Leonard S. Cahan z"l [Excerpts]

By Rabbi Adam J. Raskin, Congregation Har Shalom *
January 19, 2018; 3 Shevat 5778

One of the most ancient names of God in our tradition is Ha'Makom. This name literally means "the Place," but has been alternatively translated as the Omnipresent, or the All Encompassing One. . . . I have been thinking a lot about this phrase, and this particular name of God in the days since our beloved Rabbi Leonard Cahan passed away. . . . As I sit every day in Rabbi Cahan's office, as I speak from his podium either here in the Burke Sanctuary or in the Cahan Sanctuary, where he taught and sang and preached and presided for most of his rabbinate at Har Shalom, I am always cognizant of the place. Ki Ha'Makom asher atah omeid alav admat kodesh hu, because as God said to Moses at the burning bush, "the place where you stand is holy ground." This place where I stand, this place where we pray, and learn, and cultivate sacred community together, this makom is ever so much holier because it is forever imbued with the spirit and the legacy of Rabbi Leonard Cahan. Truly if there is any place, any makom where we can feel the presence of our beloved teacher and rabbi it is here at Har Shalom, the synagogue he loved so much, the congregation he dedicated the entirety of his being to, the place where he was so very proud to be rabbi.

When I was interviewing for this position I received a call at my former congregation in Texas from none other than Rabbi Cahan himself. . . He began the conversation by telling me about how remarkable Har Shalom is; about how many people who grew up here went on to become rabbis. He would say that no other synagogue in America produced more rabbis for the Conservative movement than Har Shalom … He encouraged me to come here; he told me that he would always support me; he gave his blessing to the shidduch. And I will tell you that I never for one moment of my tenure here felt anything less than Rabbi Cahan's genuine affection, kindness, and support for me, for my ideas, and for my leadership. . . .

As a high school student at Akiba (Philadelphia), Leonard loved science, and just before graduating he was thinking of becoming a protozoologist, studying microscopic, one-celled organisms. His science teacher asked him perhaps the most decisive question of his entire life: Are you more interested in protozoa or people? With that the trajectory of his life completely changed, and he became a psychology major at the University of Pennsylvania, simultaneously enrolling at Gratz College where he pursued advanced Jewish studies. Leonard's parents, Morris and Lillian, were also committed Zionists who eventually made aliyah, and his father Morris also loved studying Jewish texts. . . . Upon graduation Leonard entered the Rabbinical School at the Jewish Theological Seminary in New York. He was immersed in the intellectual rigor of the Seminary's gedolim, the great scholars of the golden age of JTS. . . . Leonard was well known at the Seminary because he ran the book store. Now any of you who know Rabbi Cahan will not be surprised that he would go down to the Lower East Side to procure books from booksellers, Judaica from Judaica dealers; and because he was so handy and crafty and loved music, he also stocked the bookstore with records, stereo equipment, lamps, and other electronics! So a lot of people knew this entrepreneurial, enterprising young rabbinical student.

. . . one particularly outstanding individual at the Seminary who he didn't meet until his second to last year of rabbinical school. It was on a Friday night, and there was a communal Shabbat dinner in the Seminary cafeteria. . . . from then on Leonard and Elizabeth were a couple. In the summer they wrote love letters to one another, because they were each working at a different Ramah camps, and Elizabeth still has all of those letters stored away in a box at home! They

married in 1960 in Minneapolis . . . their honeymoon concluded in beautiful Henrietta, NY (just south of Rochester) where Leonard was due to conduct high holiday services at his student pulpit. So romantic!

Elizabeth told me that they went into this work together. As pious and Jewishly educated as she was, she was always Leonard's partner in cultivating Jewish life, in supporting his rabbinate, in giving of her own incredible talents and energy to synagogue life, whether they were on a Naval base in Japan, or in their pulpits in Detroit, Oakland, or here at Har Shalom. She was as engaged in the work of keiruv, of drawing Jews closer to their tradition as Leonard was; and she gave classes, welcomed people for Shabbat and yom tov around her table, and served as a role model for countless congregants and students. The last time Rabbi Cahan came to shul, was Shabbat morning, November 25th. It was the occasion of his second bar mitzvah, his 83 birthday. By then he was having good days and bad days, and all of us hoped and prayed that this particular Shabbat he would be feeling well. Thank God, he was full of energy, stamina, and joy that morning. And as he gave one of his irresistible impromptu speeches before reading the Haftarah, he praised Elizabeth as his Eshet Chayil, his pillar of strength, the inspiration of his rabbinate, the love of his life.. .

. . . I have been literally deluged by messages of consolation; memories and stories of how Rabbi Cahan inspired people over the years … But I think I was especially moved by the words of my colleagues who decided to become rabbis and Jewish leaders themselves because of the influence of Rabbi Cahan. . .

There are so many more sentiments, memories, stories, and episodes of how this man enlightened, inspired, comforted, and consoled so many people over the many decades of his rabbinate. . . .

When Sari and I brought Shabbat dinner to Leonard and Elizabeth on his last Shabbat in this world, I went upstairs to his bedroom to visit with him. This man who was once so full of vim and vigor was barely able to hold up his head. He was tired, and he told me, he was ready to go. He said, "I know you'll take good care of me when the time comes." I promised him I would, and I wrapped my arms around him and gave him a kiss. In the end, he passed from this world to the next in the comfort of his home, free from pain or discomfort, in his bedroom, with his beloved Elizabeth by his side. He was sound asleep, and at peace when he took his final breath.

We all know that Rabbi Cahan painstakingly created the siddur that is used in most Conservative congregations in North America. He was a Hebraist, a liturgist who paid attention to the nuance and meaning of every single word, and meticulously translated every ancient prayer and hymn. He especially loved Akdamut, the liturgical poem that is chanted before the first aliyah on the festival of Shavuot. I'll never forget the fluency with which he intoned those difficult Aramaic verses each year at services on Shavuot. Toward the end of that 12th Century poem it says:

> *"God will prepare a banquet for the righteous*
> *They will sit at tables of precious stones,*
> *Rivers of balsam flowing before them;*
> *Chamar m'rat d'bereishit n'tir bei na'avata*
> *And the will drink the precious wine stored for them from the first days…"*

I love the image of Rabbi Cahan, who was also a wine connoisseur, sitting at the divine table, enjoying God's banquet, and drinking heavenly wine among the righteous. This seems an appropriate reward for a man who served God, the Jewish people, and all humanity with every fiber of his being, for 83 remarkable years.

Yehi Zichro Baruch, May the memory of our beloved Rabbi Leonard Cahan always be a blessing.

* Posted on the occasion of Rabbi Cahan's Shloshim the week of Rosh Hodesh Adar 5782. The complete text of this supremely moving eulogy is on the Congregation Har Shalom Facebook page. Excerpts by the Editor with permission of Rabbi Adam Raskin. I encourage everyone to read the entire eulogy, because I had to edit out many moving comments.

Everyday Kiddush Hashem: Thoughts for Parashat Mishpatim

By Rabbi Marc D. Angel *

Some years ago, we were returning from a wonderful trip to Israel. As we sat in the waiting area of the Ben Gurion airport before the flight, we noticed a young family nearby – a husband and wife and their little children. As could be expected, the children were restless and wanted to run around and play.

The mother, in a soft voice, spoke to the children: *"It's fine to play, but please remember: everything you do should be a "Kiddush Hashem"* (a sanctification of God's name). The children understood their mother's message, and they played nicely and quietly.

When we boarded the plane, we found ourselves sitting a few rows in front of this family. Throughout the long flight (11 hours or so), the children were remarkably well behaved. They read books, spoke quietly, rested. One of the daughters, perhaps aged 9 or 10, brought a glass of water to an elderly woman who said she was thirsty. I was so impressed by the children's behavior that I complimented the parents and the children. We struck up a conversation – and a friendship.

These parents were doing a marvelous job raising such fine children. The secret of their success was teaching the children to remember that all their actions should sanctify God's name. They should know that they are ambassadors of God and Torah, and that their words and deeds should inspire respect from those who see them. They should avoid unbecoming behavior, vulgar speech, immodest clothing.

Living one's life in the spirit of "kiddush Hashem" not only leads to proper behavior and speech, but also to inner courage to stand by one's principles. Instead of succumbing to the negative qualities of general society, one develops the strength to resist group pressures.

This week's Torah reading includes the words: *"and you shall be holy people unto Me"* (Shemot 22:30). This verse is included in a Torah portion that deals with many aspects of everyday life — borrowing and lending, relating honestly with others, repaying damages, eating kosher food. Holiness is linked to the way we live our daily lives; it isn't an ethereal concept restricted to prayer, meditation and study.

The Talmud (Yoma 86a) cites the teaching of Abbaye that *"the Name of Heaven should be beloved because of you."* People should look at us as models of honesty, decency, and religious integrity. They should see us as representatives of God and Torah, worthy of emulation.

Maimonides (Yesodei haTorah 5:11) writes that a scholar should be *"scrupulous in conduct, gentle in conversation, sociable, receiving others cheerfully, not insulting even those who show disrespect, conducting business with integrity."* This applies not only to scholars but to all who are identified as Jews.

The mother in the airport taught her children: remember, everything you do should be a *"Kiddush Hashem."* Good advice not only for her children but for all of us!

* Founder and Director, Institute for Jewish Ideas and Ideals and rabbi emeritus of the historic Spanish and Portuguese Synagogue of New York City. This essay appeared in the *Jerusalem Post,* February 4, 2025.

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Mordechai and His Critics: Thoughts for Purim

By Rabbi Marc D. Angel *

Who could be more successful, more beloved, more worthy of respect than Mordecai? He was a superhero who stood up for the dignity of the Jewish people, who was largely responsible for averting Haman's evil decree to annihilate the Jews, and who rose to be the king's viceroy.

He was not only successful and powerful. He also had fine moral qualities and good values. The Megillah informs us that Mordecai — in spite of his lofty position — was characterized *by "seeking the good of his people and speaking peace to all his seed* (Esther 10:3)." He was a warm, conscientious and thoughtful leader.

Who could possibly not like Mordecai?

Yet, the Megillah informs us that Mordecai was *"great among the Jews and agreeable to most of his brethren* (Esther 10:3)." Our sages noted: Mordecai was agreeable to MOST of his fellow Jews, most but not all! Mordecai had his enemies and detractors. What did these dissidents have against him?

One group may have thought: Mordecai was too *"Jewish."* If only he had not defied Haman, the crisis would not have happened in the first place. Mordecai should not have demonstrated his Jewishness in public. He should have tried to blend in, to stay under the radar. This group felt that Jews should camouflage their Jewishness to the extent possible. You can be Jewish at home, but not in public!

Another group may have thought: Mordecai was not Jewish enough! He was too close with the Persian powers. He dressed like a Persian viceroy and had to adopt the courtly ways of the nobles of the kingdom. Mordecai would not have had much time to study Torah or attend synagogue services. He was a *"court Jew"* who had to sell out on his religiosity in order to hold his high position.

Yet others disliked Mordecai — just because they disliked anyone who had more success or prestige than they had. Such people enjoy tearing others down as a means of artificially building themselves up. What fun it is to ridicule leaders, and pick away at their real or perceived flaws. Sitting in the grandstands, small-minded people enjoy criticizing those who are out on the playing field.

Mordecai's critics exist in every generation and in every community. There are still those who think Jews should hide their Jewishness, should assimilate to the extent possible so as to blend in with the larger society. These people cringe at public demonstrations of Jewish religious or national expression. If only Jews would be invisible…

There are still those who suspect others of being not sufficiently religious or sufficiently proud of their Jewishness. They criticize those who adopt modern dress or modern thought; the modernists are branded as assimilationists, as betrayers of Torah.

And there are inevitably people who criticize…because that's what they enjoy doing. No matter how good and true their leaders are, the critics will find fault. They will pontificate and pose as sages who know far better than the leaders. They do this because of their weak egos, their need to assert their own worthiness by tearing down the worthiness of others. Although these are weak and pitiful human beings, they continue to flourish without self-reflection and without the desire to improve themselves.

So Mordecai — like almost everyone of eminence! — could not please everyone. No matter what he did or didn't do, someone would be sure to criticize and harass him.

How did Mordecai deal with his critics? The Megillah suggests that he did not pay any attention to them! On the contrary, he kept seeking peace and speaking good for the benefit of all his people — including his detractors. Mordecai was not in a popularity contest, he was not interested in appeasing this group or that group. He would not lose focus on his mission as a leader dedicated to the peace and wellbeing of his people.

Bravo Mordecai!

*"For Mordecai was great in the king's house, and his fame went forth throughout all the provinces; for the man Mordecai waxed greater and greater (*Esther 9:4)."

* Founder and Director, Institute for Jewish Ideas and Ideals and rabbi emeritus of the historic Spanish and Portuguese Synagogue of New York City.

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Mishpatim -- Investing in Family

By Rabbi Mordechai Rhine *

Dedicated in Memory of Mr. David Rhine Sholomo Dovid ben Avraham Yitzchak z.l.

May this Dvar Torah be a Zechus Refuah Shileima for Cholei Yisroel

The story of the Jewish servant is a sad one. A man, who ought to be a free man with independence, stole and had no money to pay back. A special mechanism existed by which the court sold a certain number of the man's working years to a master. The master paid money to pay off the debt from the theft, and the servant was bound to work for that master for the designated number of years. The rules of this relationship were that the master could not assign the servant degrading work, and the master had to treat the servant with dignity. The Talmud (Kiddushin 20) teaches that the servant was provided with the same standard of living as the master enjoyed. The servant got treated well. This indenturing provided healthy role models with the hope that the Jew who had slipped into theft would be able to gain new perspective, and a new lease on life upon his release.

One of the peculiar rules about this Jewish servant is that the master could assign him a female slave so that the servant should father children with her. When the servant's term of service was completed and he went free, the woman and her children remained in the hands of the master. When the servant was granted independence, it came with mixed feelings. The woman he was with, and the children that he fathered, were left behind.

Contrast this with the very next section in the Parsha, the description of a man's obligations in marriage: To provide food, clothing and shelter, and intimate time. Here too, the man is devoted to a relationship and a set of rules, but the results are totally different. In the case of the servant, when the relationship reached its stated goal, he left the woman and children behind. In the case of a husband, when the relationship reaches fruition, he has a loving wife and children, a family that he can be proud of.

In our time we do not have the mechanism of the Jewish servant, but the idea of investing deeply in something that you will not have anything from exists in a very big way. Unfortunately, the availability of inappropriate internet use tempts

many people to invest significant amounts of time and emotion into browsing. This browsing may provide a fleeting experience of joy or distraction. But upon completion of the episode all that was done remains in the virtual domain of fantasy. *"The woman and the children shall remain; he leaves alone."*

What is remarkable is that the contrast of the Torah is so real in our generation. A man can invest in *"the woman and her children"* and get nothing to take home. Or a man can invest in his wife and children and have real live treasures to show for his effort.

When the internet first became available to people, it was greeted with much excitement. The information highway would revolutionize commerce, research, and the way we interact globally with one another. It was surprising that a select group of Jewish leaders sounded an alarm calling for great caution. Rav Matisyahu Salomon was one of the earliest proponents for caution. He explained simply: It is powerful, very powerful. And there are no rules.

Imagine being around when cars were invented and being told, *"This invention can travel very fast. Buy it; enjoy it! Have fun. There are no rules."* Wouldn't we all understand that this is a reckless way to proceed with the invention? That is how the internet was presented. The antidote is to have rules so that it can be used responsibly.

One of my first counseling experiences about the internet was in my position as a community Rav. A young man in the community called me requesting a private meeting. We set up a time, and as soon as I closed the door he began to weep. When he was finally able to, he explained that his mother and sisters left their unfiltered devices in the kitchen to charge each night. One night he wandered into the kitchen for a snack and ended up spending the night browsing inappropriately for hours. The bad habit grew and now was firmly entrenched in his routine. Browsing at night and sleeping by day. Precisely a place in life that he did not want to be.

I spent time with him, and we strategized an approach that would bring his trusted mentors and a professional on his team. Then he stepped forward courageously on his journey of recovery. He knew well that he did not want to be the servant who was devoted to a woman and children that were not his and end up with nothing.

Often, browsing without rules, while not necessarily inappropriate, is a significant waste of time.

I recall hearing a story about two men who were having a conversation while they drove in a taxi with Rabbi Aharon Kotler. One man told the other that he was recently sick with the flu and because he couldn't go to work, he had time to catch up on his reading of the New York Times. Rabbi Kotler looked up from his Sefer and addressed him saying, *"If you don't have a variety of Seforim to choose from in your home I'd be glad to lend you some."*

It is true, sometimes a person needs to take downtime to relax and to chill. But even downtime needs to have rules.

Steve Jobs, the well-known co-founder of Apple Inc., is credited with creating the intuitive nature of modern technology. Jobs was aware of how powerful technology could be. He therefore made rules regarding putting devices away before coming to family dinner time each night. He knew how devices could become a battle frontier between family and technology; as both family and technology vie for our undivided attention. Powerful and useful as technology is, it isn't life. We need to have wisdom and discipline to know the difference.

The Torah contrasts the servant with the married man to show the huge difference between them. Both work hard. But the servant leaves everything behind while the married man has invested wisely in a family. The married man's investments will reap dividends for him forever.

With heartfelt blessings for a wonderful Shabbos.

* Rabbi Mordechai Rhine is a certified mediator and coach with Rabbinic experience of more than 20 years. Based in Maryland, he provides services internationally via Zoom. He is the Director of TEACH613: Building Torah Communities,

One family at a Time, and the founder of CARE Mediation, focused on Marriage/ Shalom Bayis and personal coaching. To reach Rabbi Rhine, his websites are www.care-mediation.com and www.teach613.org; his email is RMRhine@gmail.com. **For information or to join any Torah613 classes, contact Rabbi Rhine.**

Mishpatim – The Truth About Falsehood

by Rabbi Yehoshua Singer* © 5782

The significance of honesty and the evil of falsehood are generally considered to be self evident and not topics worthy of extensive discussion. However, if we stop for a moment and consider the words of the Torah and our rabbis, it would appear that the topic is far more fundamental and significant than we assume.

Hashem tells us in this week's parsha, *"Distance yourself from a false word."*)Shemos 23:7(This is the only place where we are commanded to distance ourselves from a character trait.)There is a Torah principle of establishing safeguards to avoid sinning. For example, one should not handle a pen on Shabbos, so one should not come to accidentally write with it. That is a general principle that one should appreciate the gravity of sin and take precautions to avoid any possibility of sinning. Falsehood is unique in that the commandment itself is to keep a distance from falsehood. Coming close to falsehood is already a sin, in and of itself.(

The Sforno)ibid.(adds that we must distance ourselves from anything that could lead to falsehood, such as what we are taught in Pirkei Avos)1:9(, *"Be careful with your words, so they should not learn to lie from them."* A teacher who teaches honestly but is not careful to ensure that the students understand properly is guilty of coming close to falsehood, for he has not avoided causing falsehood in the world. It is not only the character trait of falsehood we must avoid, but falsehood itself.

The Orchos Tzadikkim lists nine types of liars in the *Gate of Falsehood*. The fourth one is a person who is accustomed to lying and will embellish stories with lies or sometimes even make up entire stories. This person does not gain anything from lying and does not hurt anyone. Nonetheless, he is punished for it because he loves lying even when there is nothing to gain. He then adds that there is a sub-category of one who doesn't choose to lie, but is not concerned enough to be careful to get the facts straight before repeating them. Even so, the facts are irrelevant – he does not stand to gain, nor is anyone hurt by the details. The Torah requires us to seek out truth in everything we do and say.

Why is truth so significant and falsehood so evil? Why did Hashem choose to single out this character trait, when we are not commanded to distance from arrogance, hatred, anger or any other character trait? Why is it forbidden to even be an accidental cause for someone else's mistake, or to be imprecise in the details of a story? Clearly falsehood and truth is at the core of a Torah life, but why?

The Sefer Hachinuch)Mitzvah 74(explains that there is a unique danger and damage in falsehood. We were created to emulate G-d, and thereby draw close to Him. G-d is Real and Truthful in all that He is and does. It is even how we refer to Him – He is the True G-d.)Yirmyahu 10:10(When we are real and true to our core, then we are emulating G-d. He adds that being real and true to ourselves, we bring blessing into our lives, for if we look around, those who love lies are surrounded with hardships and challenges in their personal lives.

The Orchos Tzadikkim teaches in the beginning of *The Gate of Truth* that our souls are created from the highest levels of holiness, at the core of reality, directly beneath G-d's Heavenly Throne. In that holiest of holy places, there is no falsehood, only truth and reality. It is the core of who we are. G-d made us to be straight and real, just as He is. He adds that falsehood and truth cannot cling to each other. Since G-d is truthful, we must be truthful at our core to be able to connect with Him.

Truth and falsehood are unique in that they lie at the very core of our connection with G-d and at the very core of our own identity. When we allow falsehood into our personality we are destroying our own inherent holiness and distancing ourselves from G-d. When we engage in truth, in being real, we are enhancing our spiritual essence, drawing close and deepening our bond with our Creator. Truth is our essence.

* Co-founder of the Rhode Island Torah Network in Providence, RI. Until recently, Rabbi, Am HaTorah Congregation, Bethesda, MD., and associated with the Savannah Kollel.

Mishpatim: Law of Responsibility

By Rabbi Haim Ovadia *****

You shall celebrate three pilgrimage holidays a year.)Ex. 23:14(

We all know the three pilgrimage holidays, Pesah, Shavuot, and Sukkot. Do we also know how Shavuot differs from the other two? Well, to begin with, Shavuot has no set day in the Torah, but is rather celebrated fifty days after Pesah and could potentially occur on the 5th, 6th, or 7th of Iyyar. Another, deeper difference, is that on Pesah and Sukkot we reenact the events of the Exodus, while there is no such reenactment on Shavuot. On Pesah we eat the same ingredients our forefathers ate on the night of leaving Egypt, and on Sukkot we dwell in temporary structures, similar to those used by our forefathers when they were in the desert, but Shavuot is referred to in the Torah only as the holiday marking the harvest season. Why is the date of Shavuot not mentioned, and why is there no special physical act to mark that holiday as the day of the Giving of the Law?

The answer is that Pesah and Sukkot commemorate a single, albeit important, historical events, so the dates serve as temporal ties to the original events. The reenactments validate the contract, or covenant, between the nation and God for one more year. On Pesah, the reenactment reminds us of the elements of slavery and freedom, thus prompting us to protect the rights of others. On Sukkot we dwell in booths to show our confidence in the power of God to provide us shelter, and to unite as one nation without boundaries. The Giving of the Law, however, though associated with Shavuot, cannot be limited to a date, since we must adhere to the Torah constantly, every day.

As to the reenactment, it is right there in front of us, in last week's Parasha. Instead of creating a yearly event to celebrate the Giving of the Law, the Torah provides us with endless opportunities to do so daily. The purpose of the Ten Concepts, aka the Ten Commandments, was to educate the Israelites to respect and protect the rights of others, and to cherish their own blessings.

In that vein, the Torah presents us, immediately after the momentous revelation at Mount Sinai, not with a list of ritualistic acts, but with a set of rules revolving around the theme of personal responsibility. The Parasha starts with the laws of slavery, which the Torah sets out to abolish by granting slaves unprecedented rights. A slave is encouraged to seek freedom, and a master is warned against causing slaves physical harm. The Parasha also speaks about damages caused by one's property, mainly his animals, and indirect actions, such as setting fire or digging a pit in public property. There are also regulations regarding moneylending, taking specific care to protect the rights of the weaker strata of society, such as widows and orphans, and distortion of justice. Even the famous warning *"do not eat a kid in its mother's milk"* carries a message of personal awareness and responsibility. It tells us that although God allows the consumption of meat, we should understand that killing an animal is a cruel act, and we should not add to that cruelty by cooking the meat of a mammal in the liquid which sustained it when it was alive.

Almost a thousand years after the Giving of the Law, those admonitions were forgotten, and the Israelites resorted to celebrating their relationship with God and the Torah by offering sacrifices. They were then harshly rebuked by the prophets, among them Isaiah, who reminded the people that true enactment and reenactment of the Giving of the Law lie elsewhere:

When you raise your palms in prayer I will look away, pray as you wish, I will pay no heed, as your hands are stained with theft and corruption. Cleanse yourself]not by water, but[by mending your ways and ceasing from doing evil. Learn well, seek justice, rectify wrongdoing, protect and defend orphans and widows.)Is. 1:15-17(

The Torah did not create a special event to commemorate the Giving of the Law, nor did it give us a specific date for that happening, so that our religious awareness will not be manifested by ritualistic acts performed annually. Instead, the Torah offers a system in which each act of responsible behavior, protecting justice, and avoiding infringement upon the rights of others, is an act of devotion and inspiration. According to this worldview, righteousness and piety are not achieved by constant prayer or Torah study, but rather by honesty, respect for others, and a deep sense of responsibility.

Shabbat Shalom.

Shabbat Shalom.

* Judaic faculty, Ramaz High School, New York; also Torah VeAhava. Until recently, Rabbi, Beth Sholom Sephardic Minyan)Potomac, MD(. Faculty member, AJRCA non-denominational rabbinical school(. **Many of Rabbi Ovadia's Devrei Torah are now available on Sefaria: https://www.sefaria.org/profile/haim-ovadia?tab=sheets** . The Sefaria articles usually include Hebrew text, which I must delete because of issues changing software formats.

Many Devrei Torah from Rabbi Ovadia this year come from an unpublished draft of his forthcoming book on Tanach, which Rabbi Ovadia has generously shared with our readers. Rabbi Ovadia reserves all copyright protections for this material.

Jews and Mobile Education Part 1: What Darwin Might Say

By Rabbi Moshe Rube *

]Whie looking through my archives this week, I came across this two part essay by Rabbi Moshe Rube from three years ago. Hopefully everyone will read both parts, especially part 2)next week(. Bravo to Rabbi Rube for this excellent two part series -- especially part 2, which I plan to include next week, the even more impressive part.[

At some point in your life, have you ever expressed some form of the sentiment*, "As Jews, we hold education as one of our most cherished values"?*

Of course you have. All of us have. Every rabbi, Jewish leader, and Jewish educator has.

How did this start? Did a mysterious ancient rabbi look at last week's portion where God told us to tell our children of the miracles of Egypt and hereby decree that education is to be a Jewish value for all time and emphasized at every gathering, fund raiser, and Seder?

Such a top-down explanation appeals to some and does play a role. But in my learning travels this week, I came across a more evolutionary bottom-up perspective to this question -- a perspective that shows how education-emphasis was and still is an adaptive response to our organic experience as a Jewish people.

It starts with this general quote about exiles from the book *Esther in Ancient Jewish Law and Thought* by Dr. Aaron Koller:

"It is not surprising that so many exiles seem to be novelists, chess players, political activists, and intellectuals. Each of these occupations require a minimal investment in objects and places a great premium on mobility and skill,"

Mobility is the key word here. After all, what is more mobile than our nervous system and all the physical, mental, and spiritual capacities within it that we can exercise through learning? Objects can fade away. Our land can be taken away. But no one has figured out how to wrest away our life capacities without taking away our life.

All this makes sense for the wandering, mobile Jew. In general, Jews have tended to favor life paths that untether us from land or immobile objects. Think of the Middle Ages in Europe when we were the merchants ferrying goods between serfdoms. Think of early 20th century America when we peddled our way across this land. Think of how many of us emphasize to our children the necessity of academic careers or something that requires them to exercise learning capacities that give them the greatest social mobility. With all the stories of our wanderings, we could be called to go at any second, so we have to make sure we're ready.

)As an aside, what's considered mobile and useful today is growing out of the classic doctor, lawyer, accountant mold. A good plumber, farmer, or any "blue-collar Jew" can make a respectable living and acquire skills they can use all around the world, and not be stuck on their plot of land or be beholden to only the materials that exist in their town. We do live after all in the most mobile of mobile worlds with mobileness in our pockets at all times. I look forward to seeing what Jews will emphasize and explore vocationally speaking over the next decade as the world continues to change.(

Jews value education. Jews value nervous-system development. Most of all, Jews value learning how to learn. Our survival has depended on learning how to adapt to ever-changing situations and gathering as many tools as we can to be able to survive wherever we find ourselves. We've developed this zeal for education-emphasis because we've had to.

Let's support this contention with historical examples. Jews have given extreme emphasis on education at times of exile or periods of change. The Talmud, written in exile in Babylonia, gives ultimate value to Torah study and venerating Torah scholars on almost every page to a degree we don't see in the Bible. This is not lost on the Talmud, which justifies its emphasis on scholarship by saying that after the Temple was destroyed, authority went from the prophets to the scholars.

When Jews came over to America in the early 20th century, our grandparents, some of which were barely educated themselves, gave their all so that their kids could be educated.

And it seems the same thing happened during the Exodus. As soon as God freed us and we wandered into the desert, He gave us the mitzva of education and our responsibility to pass on what we have)especially at the Seder(.

Is this not what Pharoah feared that led him to enslave the Jews? His explicit motivation for enslaving them was that the Jews would fight against him and leave Egypt, i.e. be more mobile. Therefore, he tied them to the ground and gave them backbreaking mindless work that would keep their minds in a state of arrested development.

And it worked to a degree. Despite God's exhortation last week to be educated, to be mobile, and to not feel they are bound to be who they always were, the Jews yell at Moshe at the Sea of Reeds that they would rather die in Egypt than move forward.

What about us? Would we rather die than develop our nervous system into something different? For all our rosy talk about education, we must acknowledge that the process requires us to go through periods of confusion when we feel lost in the waves churning all around us. Before the sea splits for us, that part can be uncomfortable. Not always will a professor or rabbi be there to hold our hands.

But we can do it. After all, we crossed the Sea of Reeds -- right?

Shabbat Shalom.

P.S. In Part II of this series, we'll explore further this idea of education-emphasis as an adaptive mechanism and research

how it relates to anti-Semitism. We'll also touch on how we share this tendency with other peoples who have gone into exile.

P.P.S. I prefer to use "nervous-system development" as a metaphor for education than "mind-development" because the latter implies that education only has value when we emphasize only one skill set)sometimes called "intellectual"(to the exclusion of our full human capacities. Especially here in Alabama, we appreciate our nervous system's ability to develop in another capacity called kinesthetics,, i.e. sports as well as the cognitive processing behind it.

Shabbat Shalom!

Rabbi Moshe Rube

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Rav Kook Torah
Mishpatim: Revealing Our Inner Essence

The ultimate moment of glory for the Jewish people — their greatest hour — occurred as God revealed His Torah to them at Mount Sinai. The Israelites made an amazing proclamation: *"Na'aseh VeNishma — We will do and we will listen to all that God has declared"*)Exod. 24:7(.

They promised two things: to do, and to listen. The order is crucial. They promised to keep the Torah, even before knowing why. The Midrash)Shabbat 88a(says that, in merit of this pledge of loyalty, the angels rewarded each Jew with two crowns. And a Heavenly Voice exclaimed, *"Who revealed to My children this secret that is used by the angels?"*

What was so special about this vow, *"we will do and we will listen"?* On the contrary, would not fulfilling mitzvot with understanding and enlightenment be a higher level of Torah observance? And why is this form of unquestioning allegiance a *"secret used by the angels"?*

Intuitive Knowledge

While wisdom is usually acquired through study and reflection, there exists in nature an intuitive knowledge that requires no formal education. The bee, for example, naturally knows the optimal geometric shape for building honeycomb cells. No bee has ever needed to register for engineering courses at MIT.

Intuitive knowledge also exists in the spiritual realm. Angels are sublime spiritual entities who do not need Torah studies in order to know how to serve God. Their holiness is ingrained in their very nature. It is only human beings, prone to being confused by pseudo-scientific indoctrination, who need to struggle in order to return to their pristine spiritual selves.

For the Jews who stood at Mount Sinai, it was not only Torah and mitzvot that were revealed. They also discovered their own true, inner essence. They attained a sublime level of natural purity, and intuitively proclaimed, "we will do." We will follow our natural essence, unhindered by any spurious, artificial mores.

)Gold from the Land of Israel, pp. 142-143. Adapted from *Mo'adei HaRe'iyah* p. 486.(

https://ravkooktorah.org/SHAV61.htm

Mishpatim: Vision and Details (5774, 5781)

By Lord Rabbi Jonathan Sacks, z"l, Former Chief Rabbi of the U.K.*

Our parsha takes us through a bewildering transition. Up until now, the book of Shemot has carried us along with the sweep and drama of the narrative: the Israelites' enslavement, their hope for freedom, the plagues, Pharaoh's obstinacy, their escape into the desert, the crossing of the Red Sea, the journey to Mount Sinai and the great covenant with God.

Suddenly, we now find ourselves faced with a different kind of literature altogether: a law code covering a bewildering variety of topics, from responsibility for damages to protection of property, to laws of justice, to Shabbat and the festivals. Why here? Why not continue the story, leading up to the next great drama, the sin of the Golden Calf? Why interrupt the flow? And what does this have to do with leadership?

The answer is this: great leaders, be they CEOs or simply parents, have the ability to connect a large vision with highly specific details. Without the vision, the details are merely tiresome. There is a well-known story of three workers who are employed cutting blocks of stone. When asked what they are doing, one says, "Cutting stone," the second says, "Earning a living," the third says, "Building a palace." Those who have the larger picture take more pride in their labour, and work harder and better. Great leaders communicate a vision.

But they are also meticulous, even perfectionists, when it comes to the details. Thomas Edison famously said, *"Genius is one percent inspiration, ninety-nine percent perspiration."* It is attention to detail that separates the great artists, poets, composers, filmmakers, politicians and heads of corporations from the merely average. Anyone who has read Walter Isaacson's biography of the late Steve Jobs knows that he had an attention to detail bordering on the obsessive. He insisted, for example, that all Apple stores should have glass staircases. When he was told that there was no glass strong enough, he insisted that it be invented, which is what happened)he held the patent(.

The genius of the Torah was to apply this principle to society as a whole. The Israelites had come through a transformative series of events. Moses knew there had been nothing like it before. He also knew, from God, that none of it was accidental or incidental. The Israelites had experienced slavery to make them cherish freedom. They had suffered, so that they would know what it feels like to be on the wrong side of tyrannical power. At Mount Sinai, God, through Moses, had given them a mission statement: to become *"a Kingdom of Priests and a holy nation,"* under the sovereignty of God alone. They were to create a society built on principles of justice, human dignity and respect for life.

But neither historical events nor abstract ideals – not even the broad principles of the Ten Commandments – are sufficient to sustain a society in the long run. Hence the remarkable project of the Torah: to translate historical experience into detailed legislation, so that the Israelites would live what they had learned on a daily basis, weaving it into the very texture of their social life. In the parsha of Mishpatim, vision becomes detail, and narrative becomes law.

So, for example: *"If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything"*)Ex. 21:2-3(. At a stroke, in this law, slavery is transformed from a condition of birth to a temporary circumstance – from who you are to what, for the time being, you do. Slavery, the bitter experience of the Israelites in Egypt, could not be abolished overnight. It was not abolished even in the United States until the 1860s, and even then, not without a devastating civil war. But this opening law of our parsha is the start of that long journey.

Likewise the law that *"Anyone who beats their male or female slave with a rod must be punished if the slave dies as a direct result."*)Ex. 21:20(A slave is not mere property. They each have a right to life.

Similarly the law of Shabbat that states: *"Six days do your work, but on the seventh day do not work, so that your ox and your donkey may rest, and so that the slave born in your household and the foreigner living among you may be refreshed."*)Ex. 23:12(One day in seven slaves were to breathe the air of freedom. All three laws prepared the way for the abolition of slavery, even though it would take more than three thousand years.

There are two laws that have to do with the Israelites' experience of being an oppressed minority: "Do not mistreat or oppress a stranger, for you were strangers in Egypt.")Ex. 22:21(and *"Do not oppress a stranger; you yourselves know how it feels to be foreigners, because you were foreigners in Egypt."*)Ex. 23:9(

And there are laws that evoke other aspects of the people's experience in Egypt, such as*, "Do not take advantage of the widow or the fatherless. If you do and they cry out to me, I will certainly hear their cry"*)Ex. 22:21-22(. This recalls the episode at the beginning of the Exodus, *"The Israelites groaned in their slavery and cried out, and their cry for help because of their slavery went up to God. God heard their groaning, and He remembered His covenant with Abraham, with Isaac and with Jacob. So God looked on the Israelites and was concerned about them."*)Ex. 2:23-25(

In a famous article written in the 1980s, Yale law professor Robert Cover wrote about *"Nomos and Narrative."*]1[By this he meant that beneath the laws of any given society is a nomos, that is, a vision of an ideal social order that the law is intended to create. And behind every nomos is a narrative, that is, a story about why the shapers and visionaries of that society or group came to have that specific vision of the ideal order they sought to build.

Cover's examples are largely taken from the Torah, and the truth is that his analysis sounds less like a description of law as such than a description of that unique phenomenon we know as Torah. The word "Torah" is untranslatable because it means several different things that only appear together in the book that bears that name. Torah means *"law."* But it also means *"teaching, instruction, guidance,"* or more generally, *"direction."* It is also the generic name for the five books, from Genesis to Deuteronomy, that comprise both narrative and law.

In general, law and narrative are two distinct literary genres that have very little overlap. Most books of law do not contain narratives, and most narratives do not contain law. Besides which, as Cover himself notes, even if people in Britain or America today know the history behind a given law, there is no canonical text that brings the two together. In any case in most societies there are many different ways of telling the story. Besides which, most laws are enacted without a statement of why they came to be, what they were intended to achieve, and what historical experience led to their enactment.

So the Torah is a unique combination of nomos and narrative, history and law, the formative experiences of a nation and the way that nation sought to live its collective life so as never to forget the lessons it learned along the way. It brings together vision and detail in a way that has never been surpassed.

That is how we must lead if we want people to come with us, giving of their best. **There must be a vision to inspire us, telling us why we should do what we are asked to do. There must be a narrative: this is what happened, this is who we are and this is why the vision is so important to us. Then there must be the law, the code, the fastidious attention to detail, that allow us to translate vision into reality and turn the pain of the past into the blessings of the future. That extraordinary combination, to be found in almost no other law code, is what gives Torah its enduring power. It is a model for all who seek to lead people to greatness.**

Footnote:

]1[Robert Cover, *"Nomos and Narrative,"* Foreword to the Supreme Court 1982 Term, Yale Faculty Scholarship Series, Paper 2705, 1983. The paper can be found at *http://digitalcommons.law.yale.edu/fss_papers/2705.*

Discussion Questions for Mishpatim:

]1[Why is remembering our narrative so fundamental to the Jewish people?

]2[Why are the laws of the Torah so detailed?

]3[Do you think laws are able to guide us towards ethics and compassion?

https://rabbisacks.org/covenant-conversation/mishpatim/vision-and-details/ Note: because Likutei Torah and the Internet Parsha Sheet, both attached by E-mail, normally include the two most recent Devrei Torah by Rabbi Sacks, I have selected an earlier Dvar.

Mishpatim: Life Lessons From the Parshah -- Whose Slave Will You Be?

By Yehoshua B. Gordon, z"l * © Chabad 2025

The Talmud discusses this week's Torah portion more than any other — by a wide margin. Many of the largest tractates are based on it.

Mishpatim is filled with laws — civil, tort, damage, and business laws, among others — and contains 53 of the 613 commandments, nearly 10% percent of all the mitzvot in Torah.1

The second verse instructs, *"Should you buy a Hebrew slave, he shall work]for[six years, and in the seventh]year[, he shall go out to freedom without charge*."2 This is the first of the 53 laws in this parshah

A Jewish man can become a slave in one of two ways. The first is if he sells himself into slavery. Why would a person do that? For financial freedom. He's economically overwhelmed; he can't handle the credit card debt or the toxic mortgage anymore. He can't handle the pressure and the stress, so he decides to sell himself as a slave. What does he get in return? He gets a lump sum of money and the commitment of his new master to support his wife and children; no more stress and no more pressure.

The second scenario in which a Jewish man can become a slave is if he is caught stealing and cannot afford to repay what he stole.

In Torah law, there is no imprisonment for theft. By contrast, in most contemporary legal systems, those caught stealing are sent to prison. But what do they gain from their prison stay? Often, they are housed and fed on the taxpayers' dime, and during their stay, they hang out with other thieves and learn how to become better thieves. What was gained? Absolutely nothing.

According to Torah law, the first thing a person must do when caught stealing is make restitution. He must repay what he stole; often he is ordered to pay double. If he stole $1,000, he must pay back $2,000. What happens if he doesn't have that money, *"Two thousand dollars?! I have eleven cents! If I had $2,000, I wouldn't steal in the first place!"* In ? What happens if he saysthat case, the court can sell him into slavery for a maximum of six years.3

Now, here is a fascinating detail of this law: If, at the end of the six-year term, the man says, *"I like it here! I know my six years are up, but I don't want to go home. All my needs are met, I don't have any pressure, and I don't have any stress. I want to remain here,"* his master must take him to the Beit Din – the Jewish court, where they pierce his ear with an awl, and with that, he remains a slave. That's the halacha, the law.

> *"Why was the ear chosen for piercing rather than another organ?" ask the Sages. "Since it was the ear that heard on Mount Sinai, 'You shall not steal,' yet it went ahead and stole, let it be pierced; since it was the ear that heard on Mount Sinai, 'For unto Me are the Children of Israel servants, they are My servants,' yet it threw off the heavenly yoke and replaced it with the yoke of man, let it be pierced."*

When we consider how this person is treated it becomes clear that *"slave"* is not really an accurate way to describe his arrangement, and he'd be better described as a *"servant"* or *"bondsman*."

But the fact is that he is serving a human master. And G d wants a Jew to be a servant only to Him. Serve G d and don't

serve anyone else. We're not made to serve other people. Since the Exodus from Egypt, we are free people. The only one we should serve is G d.

Genuine Liberty

Looking at this through the lens of Kabbalah and Chassidism, we can understand why this particular commandment was chosen to be the first mitzvah in Mishpatim. The Jewish slave and its laws represent the commitment of the Jew to G d. When we properly study and internalize these laws, we will recognize that the reason we are free people is because we serve G d. And if we serve G d, we must serve Him exclusively, because true freedom exists only when you serve G d.

The great sage Rabbi Joshua, the son of Levi, taught in the Mishnah: Every day a booming voice resounds from Mount Sinai proclaiming, *"Woe is to the creatures who insult the Torah."* For one who does not occupy himself in Torah is considered to have insulted the Torah.4

The Torah was given by G d on Mount Sinai, and a Jew is too busy for it? He has no time for it? We find ourselves running here, there, and everywhere. We've got things to do, places to go, people to see. Says the voice booming forth every day from Mount Sinai: It's insulting!

The Baal Shem Tov asks: if there's a voice booming forth from Mount Sinai every day, who hears it? Do we hear it? Our neshamah hears it, the Baal Shem Tov explains. It's a voice that our subconscious soul hears.

Rabbi Joshua continued:

> *The verse says, "Now the tablets were G d's work, and the inscription was G d's inscription, engraved on the tablets."5 Don't read "engraved")charut(but "liberty")cheirut(, for there is no free individual, except he who occupies himself with the study of Torah.*

The Ten Commandments liberate us. Torah liberates us. It frees us. Although many people think that studying Torah and observing commandments confine and restrict them, the truth of the matter is that it is the human condition that we all serve somebody. Some people serve the boss at work, some people serve their spouse, some people serve the government. Many people serve their own addictions and become slaves to themselves, slaves to their passions.

If you want to be truly free, connect yourself to Torah, the Mishnah advises. If you serve G d, you are free. When you serve G d, you serve no one else, and that gives you the strength and the ability to be free.

*"Humankind was born to toil."*6 Those who think that they were born to be on vacation are making a mistake.

Yet there are various kinds of toil. A person can toil in Torah, investing effort, studying, researching, and being occupied with Torah.

A person can toil in prayer, with prayer being his primary function in life. He prays in the morning, he prays in the afternoon, he prays at night. He meditates, he contemplates. He is always praying in one form or another.

People can toil in their occupation — they can be workaholics — working from morning until evening, slaves to their work.

If we toil in Torah, we don't have to toil in our occupation. Yes, we have to make a living, but it does not have to enslave us.

And so, rule number one of all of the rules of Mishpatim: be a Jewish servant — a servant of G d. We have to rise above everything else. G d says to go to work, so we have to go to work. G d says to get married, so we have to get married. G d says to have children, we have to have children. Whatever G d says, we do. Why do we do it? Because we're liberated. Because we're connected to G d. Because we know that G d is watching over us. And that is the truest liberation that a

Jew can attain.

Redemption Millennium

> *"Should you buy a Hebrew slave, he shall work]for[six years, and in the seventh]year[, he shall go out to freedom without charge."*

According to our sages, these six years symbolize the six millennia. Kabbalah describes the entirety of human history as a seven-millennium *"week,"* comprising six 1,000-year *"days"* of human labor in developing G d's world, and a seventh millennium that is *"wholly Shabbat and rest, for life everlasting"* — the era of Moshiach.

When we properly invest our efforts and energy in the service of G d throughout these six millennia, then when the millennium of Moshiach arrives, we can truly enjoy it — celebrating our era of "*Shabbat."*

May we merit to enter the seventh millennium – the Moshiach millennium. As the Rebbe said on many occasions, we can already hear the footsteps of Moshiach. The world has come full circle, and we are ready for his arrival. May we merit to greet him speedily in our days! Amen.

FOOTNOTES:

1. *Sefer* Hachinuch.

2. Exodus 21:2.

3. Note that in Judaism a person was not sold into slavery for any other debts or financial obligations — only for stealing.

4. *Ethics of the Fathers* 6:2.

5. Exodus 32:16.

6. Job 5:7.

* Rabbi Yehoshua Gordon directed Chabad of the Valley in Tarzana, CA until his passing in 2016. Adapted by Rabbi Mottel Friedman from classes and sermons that Rabbi Gordon presented in Encino, CA and broadcast on Chabad.org. "Life Lessons from the Parshah" is a project of the Rabbi Joshua B. Gordon Living Legacy Fund, benefiting the 32 centers of Chabad of the Valley, published by Chabad of the Valley and Chabad.org.

https://www.chabad.org/parshah/article_cdo/aid/6296951/jewish/Whose-Slave-Will-You-Be.htm

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Beshalach: The Darkness of Light

by Rabbi Moshe Wisnefsky *

Beshalach:

> *G-d led the people with a pillar of cloud by day and a pillar of fire by night. As the Egyptians caught up with the people at nightfall, the pillar of cloud hid the light of the pillar of fire from the Egyptians, leaving them in darkness and the Jewish people in the light.*

The Darkness of Light:

> *It came between the Egyptian camp and the Israelite camp. There was cloud and darkness but it*

lit up the night. Neither came near the other all through the night.)Ex. 14:20(

The words *"it lit up the night"* imply that the darkness itself became a source of illumination.
Spiritual darkness – the apparent absence of Divine revelation and clarity – exists only from our limited perspective. From G-d's perspective, *"night is as bright as day, and darkness as light."*

Darkness is a challenge we are meant to overcome and thereby reap the benefits that are gained by overcoming it.

One way we can approach this challenge is to ignore the darkness by focusing on the light. This will dispel the darkness, even if it is seemingly much greater than the little light we possess. This strategy will suffice to carry us through the dark periods of life. But the ultimate objective is not merely to dispel the darkness but to transform it into light, by turning its negativity into a positive force in our lives. When we succeed in this, the resultant light is infinitely brighter than the light that was shining all along.

— from *Daily Wisdom* 3

* An insight by **the Lubavitcher Rebbe** on parshat Va'eira from our *Daily Wisdom* Vol. 3 by Rabbi Moshe Wisnefsky.

May G-d grant strength and peace in the Holy Land.

Gut Shabbos,

Rabbi Yosef B. Friedman
Kehot Publication Society

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Shabbat Shalom

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Covenant and Conversation
Rabbi Jonathan Sacks, z"l

God's Nudge

First in Yitro there were the Aseret Hadibrot, the "Ten Utterances", the Ten Commandments, expressed as general principles. Now in Mishpatim come the details. Here is how they begin: If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything . . . But if the servant declares, 'I love my master and my wife and children and do not want to go free, 'then his master must take him before the judges. He shall take him to the door or the doorpost and pierce his ear with an awl. Then he will be his servant for life. Ex. 21:2-6

There is an obvious question. Why begin here, with this law? There are 613 commandments. Why does Mishpatim – the first full law code in the Torah – begin where it does?

The answer is equally obvious. The Israelites have just endured slavery in Egypt. There must be a reason why this happened, for God knew it was going to happen. Evidently He intended it to happen. Centuries before, He had already told Abraham it would happen:

As the sun was setting, Abram fell into a deep sleep, and a thick and dreadful darkness came over him. Then the Lord said to him, "Know for certain that for four hundred years your descendants will be strangers in a country that is not their own, and that they will be enslaved and mistreated there. Gen. 15:12-13

It seems that this was the necessary first experience of the Israelites as a nation. From the very start of the human story, the God of freedom sought the free worship of free human beings. But one after the other, people abused that freedom: first Adam and Eve, then Cain, then the generation of the Flood, then the builders of Babel.

God began again, this time not with all humanity, but with one man, one woman, one family who would become pioneers of freedom. Still, freedom is difficult. We each seek it for ourselves, but we deny it to others when their freedom conflicts with ours. So deeply is this true that within three generations of Abraham's children, Joseph's brothers were willing to sell him into slavery: a tragedy that did not end until Judah was prepared to forfeit his own freedom so that his brother Benjamin could go free.

It took the collective experience of the Israelites, their deep, intimate, personal, backbreaking, bitter experience of slavery – a memory they were commanded never to forget – to turn them into a people who would no longer turn their brothers and sisters into slaves, a people capable of constructing a free society, the hardest of all achievements in the human realm.

So it is no surprise that the first laws they were commanded after Sinai related to slavery. It would have been a surprise had they been about anything else. But now comes the real question. If God does not want slavery, if He regards it as an affront to the human condition, why did He not abolish it immediately? Why did He allow it to continue, albeit in a restricted and regulated way, as described in this week's parsha? Is it conceivable that God, who can produce water from a rock, manna from heaven, and turn sea into dry land, cannot call for this change to human behaviour? Are there areas where the All-Powerful is, so to speak, powerless?

In 2008 economist Richard Thaler and law professor Cass Sunstein published a fascinating book called Nudge.[1] In it they addressed a fundamental problem in the logic of freedom. On the one hand freedom depends on not over-legislating. It means creating space within which people have the right to choose for themselves.

On the other hand, we know that people will not always make the right choices. The old model on which classical economics was based, that left to themselves people will make rational choices, turns out not to be true. We are deeply irrational, a discovery to which several Jewish academics made major contributions. The psychologists Solomon Asch and Stanley Milgram showed how much we are influenced by the desire to conform, even when we know that other people have got it wrong. The Israeli economists, Daniel Kahneman and Amos Tversky, showed how even when making economic decisions we frequently miscalculate their effects and fail to recognise our motivations, a finding for which Kahneman won the Nobel Prize.

How then do you stop people doing harmful things without taking away their freedom? Thaler and Sunstein's answer is that there are oblique ways in which you can influence people. In a cafeteria, for example, you can put healthy food at eye level and junk food in a more inaccessible and less noticeable place. You can subtly adjust what they call people's "choice architecture."

That is exactly what God does in the case of slavery. He does not abolish it, but He so circumscribes it that He sets in motion a process that will foreseeably lead people to abandon it of their own accord, although it may take many centuries.

A Hebrew slave is to go free after six years. If the slave has grown so used to his condition that he wishes not to go free, then he is required to undergo a stigmatising ceremony, having his ear pierced, which thereafter remains as a visible sign of shame. Every Shabbat, slaves cannot be forced to work. All these stipulations have the effect of turning slavery from a lifelong fate into a temporary condition, and one that is perceived to be a humiliation rather than something written indelibly into the human script.

Why choose this way of doing things? Because people must freely choose to abolish slavery if they are to be free at all. It took the reign of terror after the French Revolution to show how wrong Rousseau was when he wrote in The Social Contract that, if necessary, people have to be forced to be free. That is a contradiction in terms, and it led, in the title of J. L. Talmon's great book on the thinking behind the French Revolution, to totalitarian democracy.

God can change nature, said Maimonides, but He cannot, or chooses not to, change human nature, precisely because Judaism is built on the principle of human freedom. So He could not abolish slavery overnight, but He could change our choice architecture, or in plain words, give us a nudge, signalling that slavery is wrong but that we must be the ones to

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abolish it, in our own time, through our own understanding. It took a very long time indeed, and in America, not without a civil war. But it happened.

There are some issues on which God gives us a nudge. The rest is up to us.

[1] Richard H. Thaler and Cass R Sunstein, Nudge: Improving Decisions About Health, Wealth, and Happiness, Penguin Books, 2008.

Shabbat Shalom: Rabbi Shlomo Riskin

What Takes Precedence – My Obligation to God or My Obligation to People?

"Now these are the laws which you shall set before them. If you buy a Hebrew servant, six years shall he serve and in the seventh he shall go out free, for nothing." (Exodus 21:1–2)

Arriving as it does immediately after the Ten Commandments, it is not surprising that Mishpatim begins with legal requirements of a society dedicated to morality and ethics, specifically, the relationship between employers and employees. Actually, these first laws of servitude coming after the Decalogue seem to be a natural expatiation of the first of the Ten Commandments, "I am the Lord thy God who took you out of the land of Egypt, the house of bondage." It is as though the Bible is saying that from now on there are to be no more slaves among the Hebrews; in a brilliant silent revolution, the Bible utilizes the term "eved" (Hebrew for slave), but totally changes its definition, turning the eved into a hard worker for a limited portion of time, who does not act in a servile fashion and must be granted the same living conditions – in terms of lodging and food – as are enjoyed by his employer. One may even cite the primacy of the placement of these laws as proof of the importance of the commandments between human beings. However, a careful examination of the text reveals that Mishpatim is not exclusively dedicated to civil and criminal law.

We also find reference to laws between human and God:

"You shall not curse God, nor curse a ruler of your people. You shall not delay offering the fullness of your harvest, and the out- flow of your presses." (Exodus 22:27–28)

Then after more ritual laws, the text returns to the laws within human society only to be followed once more with the ritual laws of Shabbat and festivals. Why this to and fro movement?

A strong argument can be made that although Torah law includes both the ritual and ethical, the Torah places priority not on the laws between human and God, but rather on the laws between human beings. We read in Vayera (Gen. 18:1) that after Abraham's circumcision he is graced by a vision of God. But then upon seeing three tired strangers in the distance, he abandons the Almighty, so to speak, to attend to the needs of his guests. The Talmud (Shabbat 127a) points to this incident as an underlying principle that it is of greater importance to be involved with hospitality – sensitivity in interpersonal relationships – than to greet the Divine Presence.

In his work Hegyonot el Ami, the former chief rabbi of Tel Aviv, Rabbi Moshe Avigdor Amiel, argues that this principle is not just an Aggadic hyperbole, but is a fundamental insight into the ideology of halakha. In ritual law there exists the notion of neutralization or nullification (bitul). Should a cupful of non-kosher chicken soup fall into a pot of kosher hot soup, one need not throw out the soup if the ratio of kosher to non-kosher is more than 60 to 1. The forbidden portion becomes nullified in the larger vat. When it comes to laws between human beings, however, there are no such leniencies. If, for example, the ten shekels which I pilfered become mixed into an account where I have six hundred legitimately gained shekels, I cannot invoke the 60:1 nullification concept as I do regarding pots on the stove.

Similarly, when it comes to questions of ritual in the Torah, we have the principle that a positive commandment can push aside a negative prohibition. For example, although it is forbidden to wear clothes woven from a mixture of linen and wool (Lev. 19:19), the Torah nevertheless commands that the ritual fringes required on all four cornered linen garments should include a string of sky-blue wool (Num. 15:38). Here the positive commandment to wear tzitzit overrides the commandment forbidding a garment woven from wool and linen.

When it comes to laws between human beings and God, however, the same principle does not apply. Building a sukka is a positive commandment, but if one steals the necessary wood for construction, we call this a mitzva achieved through sin and the sukka is rendered invalid; no one suggests that the positive command to build a sukka overrides the negative prohibition against stealing.

Finally, emotional intent and devotion (kavana) are an important part of ritual law. Without proper intent, ritual becomes a mechanical act, its value diminished. According to many authorities, such performance of a ritual is of no account whatsoever. Hence, Maimonides rules that if one recites the Shema, expressing each syllable aloud and emphasizing each of the necessary consonants, but does not have the internal commitment to accept the kingship of the divine, the entire recitation is of no religious significance whatsoever. It is as if the Shema had never been recited. However, proper intent is not required in laws between human beings because the deed itself is so important that any lack of inner intent cannot undermine the accomplishment of the act. Therefore, if one gives money to a poor person, even if one only did it in order to make an impression on one's companion, the mitzva is nevertheless valid.

The court system in ancient Israel likewise reflects the seriousness with which we deal with interpersonal relationships. Property litigations require three judges, and questions of life and death require twenty-three judges. To rule on ritual law, however, kosher or traif, all we need is a solitary judge. From this perspective, we may readily understand the mishna regarding Yom Kippur, the Day of Atonement. Yom Kipper (automatically, or at least, when accompanied by repentance) forgives all transgressions between humans and God. But as far as the transgressions between people are concerned, only the wronged party has the right to grant forgiveness (Mishna Yoma 8:9).

The sages were less worried about the realm of divine rituals than about the realm of human relationships. The strongest statement I know on this subject is boldly declared by our sages:

"Does God really care if you slaughter an animal from the back or the front? The whole purpose of the commandments is to purify and to unite humanity." (Tanḥuma Shemini 65)

Our midrash is not questioning the necessity of the detailed laws of slaughtering animals, which it certainly accepts; it is, however, making the rhetorical point as to who benefits from ritual commandments. God is not in need of purification or unity, but we human beings certainly are. That this is the purpose of the commandments, all of them, is one of the subtle messages of Mishpatim. On the surface some commandments may seem to be directed toward societal betterment and some directed toward divine connection, but common to all the commandments is their unifying and purifying principle. In the laws between human beings, whose objective nature is about bringing people closer together, this unifying principle is self-evident. Multiplied enough times, love thy neighbor as thyself translates into a golden age of peace for all mankind. But as we shall endeavor to show, the same message is to be found within the ritual laws as well.

The Shabbat, a ritual which takes over our lives every seventh day, and is the climactic event for which we prepare the other six days, is biblically ordained as both a reminder of God's creation of the world as well as His redeeming us from Egypt. I have already explained the connection between these two events in my commentary on Va'era, if God is

the creator of the world and we are all His creatures, no human has the right to enslave another. On this day of reverence for life, we cannot even pluck a blade of grass or pick fruit from a tree. Every creature of God has a right to be. We must recognize and respect every creature as a unique, separate and inviolate entity. Hence, the Shabbat, which seemingly comes to intensify our relationship to God, in reality strengthens our reverence for all life and our sensitivity towards all of existence, towards the whole of the universe. As Martin Buber magnificently taught, anyone who is incapable of saying Shabbat Shalom to a tree or to a dog simply doesn't understand the deepest meaning of the Shabbat.

Similarly, the laws of kashrut. After all, the Torah itself expresses the prohibition of mixing meat and milk with the compassionate command "Thou shalt not seethe a kid in its mother's milk" (Exodus 34:26) and the necessity of salting and soaking meat to remove most of the blood because "the blood is the life" (Deuteronomy 12:23).

Hence the to and fro movement throughout the portion of Mishpatim between the ethical and the ritual: They are intertwined, with the bottom line being compassion and sensitivity for all of God's creatures.

And this is precisely as it should and must be. When Moses made of God the request of requests, "Reveal to me your glory" [the secret of your ways] (Exodus 33:18), God responds:

"The Lord, the Lord is a God of compassion and beneficence, long suffering, replete with loving-kindness and truth…" (Exodus 34:6)

Our sages teach us, "Just as God is compassionate, so must we humans be compassionate – because we are created in His image and we are commanded: 'You shall walk in His ways [1]"'.

Indeed, the very term "halakha"[2] is most probably derived from the command of walking in God's ways. Hence every ritual, such as prayers and blessings, which brings me close to God must, at the same time, bring me closer to an emulation of His ways, make me become more compassionate and loving, more sensitive in my human relationships.

Conversely, if my behavior towards my fellow human helps me understand the part of God within every human being, then it is clear that the laws between humans will likewise bring me closer to God. Ultimately, these two dimensions are spokes on the same wheel, creating a magnificent human and cosmic unity. The commandments are there to help me see that godliness exists in every aspect of existence, and the goal of all the mitzvot is to create a more compassionate and sensitive human being to help bring about a world of peace and harmony. Hear O Israel the Lord our God the Lord is One. Just as God is One, so the purpose of His Torah and His commandments are one: to make all of humanity – indeed all of creation – one, the one in the One.

[1] Maimonides, Mishneh Torah, Laws of Knowledge, 1:10

[2] This is the Hebrew word for "Jewish Law," from the root halakh (to walk).

Torah.Org: Rabbi Yissocher Frand

"If" It Is Not Really Your Money

Parshas Mishpatim introduces the prohibition against being an oppressive lender, and of taking or charging interest on loans: "Im (usually translated as "If") you lend money to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him." (Shemos 22:24). The pasuk, as formulated, seems rather strange because there is a positive mitzvah to lend money to a fellow Jew in need. Yet the pasuk begins with the expression "Im kesef talveh…" which implies that if someone decides to lend money, then the following halachos apply. The Torah does not use this (apparently) optional word Im in connection with the mitzvah of tefillin or matzah or any other positive mitzvah. We would expect the Torah to state emphatically "You should lend money to (the needy in) your nation" and then go on to specify the halachos inherent in lender-borrower transactions.

The Mechilta already makes note of this question. The Tanna Rav Yishmael there says that the word Im here does not mean if, but rather it means when – when you lend money. But the Ohr Hachaim Hakadosh wonders, why in fact did the Torah express the mitzvah to lend money in such a fashion?

The Ohr Hachaim explains it very interestingly. The "If" of "Im kesef talveh…" means If you see that you have more money than you need for yourself personally and you are wondering why it is that you have all this money and your needy friend does not have all that money, then you should realize that IT IS NOT YOUR MONEY! The surplus money you have is money that by right should go to the poor man, and it really belongs to he'ani EEMACH (It is really the poor person's money that happens to be deposited WITH YOU). In such a case, you should not be to him like a NOSHE (from the expression nesius) – don't lord it over him. It has nothing to do with your brains or your good luck. It is his money deposited by you, so you have no reason to lord it over him.

The Chassidishe Rebbe, Rav Yakov Yosef m'Polna cites a Gemara in Bava Basra (131b): If a person writes in his will that he is giving all his money to one son, that son is merely the executor of the estate (apotropus) for the other sons. Why on earth would a person give all his money to one of his sons, knowing full well that this will cause irreparable damage to the relationships between these brothers for the rest of their lives? So too, Rav Yakov Yosef explains, Hashem gave a considerable amount of money to certain of his children, but not so that they should consider all of that money to be theirs. They should view themselves as executors for distribution of the money to Hashem's "other children."

Dvar Torah: Chief Rabbi Ephraim Mirvis

"I am not religious, but I try to be a very good person". It is quite amazing how many people have given that sentiment to me about themselves.

But I have a message for them. They might think that they are not religious and indeed they are not totally religious, but they are far more religious than they think.

And why do I say that? Well, it all goes back to a single letter at the beginning of the portion of Mishpatim. 'V'ele hamishpatim asher tasim lifneihem' – and these are the ordinances that you must place before the people.

That's what Moses was commanded to do by Hashem.

It is so unusual for a sentence to start with 'and'. Here an entire portion is starting with 'and'.

And why is that the case? Rashi brings the words of our sages who explain last week's portion which is behind us of Yitro, was all about our encounter with God at Mount Sinai.

There we were given the Ten Commandments – and this week's portion of Mishpatim ahead of us is all about our responsibility to our fellow human beings.

How to be upright, how to be honest, how to be a person of integrity – a decent human being.

The 'Vav' – that 'and' – in the middle brings them all together to show, 'mah-ellu missinai af ellu missinai'.

Just as in Yitro, our relationship with God was given to us at Mount Sinai, so too, the expectations the Almighty has of us, with regard to our responsibility to others, that too was given at Mount Sinai.

Sometimes people say, 'oh there are two categories of Jewish Law', Bein adam la-makom and Bein adam la-chavero, between ourselves and God and between ourselves and others.

It's not really the case.

There is just one single code, because our responsibility towards others, the compassion we should have and our decency within society – that is an integral part of our relationship with Hashem.

So, if you are one of those people who says that you are not religious, but you try to be a very good person, there are two things I would like to say to you.

First of all, you are far more religious than you think you are.

And secondly, why not try the rest? Be fully religious and I promise, you will discover that it will be absolutely life changing. You will have a pathway towards happy, fulfilling, and meaningful living.

Ohr Torah Stone Dvar Torah

Learning for the Sake of Doing
Shuli Schwartz-Reznikovich

Can more ink be spilled on the portion of Mishpatim? Why does this portion, of all others, follow the dramatic and impressive portion of Yitro? I went in search of answers.

The question reminded me of a story from the tractate of Shabbat (10:1), which I will paraphrase: Rav Ami and Rav Assi were immersed in Torah study in the beit midrash. But every hour they would get up, knock on the entrance and proclaim: "If anyone is in need of adjudication, let him enter the beit midrash and we will render judgement."

Two Talmudic scholars are said to be sitting in the hall of study, supposedly detached from the outside world. And yet every hour, they make a point of going out into the street to inquire whether anybody needs them to adjudicate in any matter or dispute.

What this story comes to teach us is that Torah study cannot remain secluded within the walls of the beit midrash. Rather, Torah must be accessible to all, such that every individual is able to feel that he has a part in it. This means that those who teach Torah as well as those who render Torah judgements must be intimate with the ways of the world that exists beyond the Study Hall.

Interestingly, in Midrash Tanhuma on our portion, we come across the figure of Rav Assi once again. This time however, we get more than just a glimpse into the character of this fascinating persona. The Midrash relates a conversation between Rav Assi and his nephew, when the former is on his deathbed. The nephew sees that his uncle is crying and asks: "Why are you crying? Is there any part of Torah which you have not studied? Are there any acts of kindness in which you were not engaged? You have immersed yourself in all of these! Your greatest virtue is that you were unwilling to take on lofty positions of power and refused to serve as a public official."

And to this Rav Assi gives a fascinating answer: "Precisely for this I weep. Perhaps God will be angry because I was supposed to have served as a judge and I did not; I was supposed to have been involved in public affairs and chose not to."

What a wondrous reply this is – an attestation to Rav Assi's chosen way of life: living and operating upon a continuum that stretches from within the beit midrash to the outside world.

The portions of Yitro and Mishpatim exemplify this notion precisely. While the portion of Yitro focuses on the great and awesome Divine Revelation at Mount Sinai, and the giving of the Ten Commandments which are the guiding principles of our lives, let us note that as these events were unfolding, the people stood from afar. The reason being that this great and formative moment was also a formidable one, and naturally intimidating to the ordinary individual.

But immediately following this extraordinary portion comes the portion of Mishpatim – without any fuss or drama. What Mishpatim does is deconstruct the Ten Commandments so that we get to see the minute details. In this way it conveys the message that the Torah belongs to everybody, the mitzvot are meant for all. It is as if God is calling out to us and saying: "Come closer, sit with me, and let me explain to you how I wish for you to live your lives."

And this exactly is the point. It's not about how I, as an individual, wish to live my life. The story is not just about me, as is demonstrated by Rav Assi's story. If it were only about Rav Assi and his own personal story, he would not have cried before his death.

The questions we should be asking are: What will our society look like? Will it be a healthy and robust one? Will our judicial system be a just one? God Himself, in so many words, tells us that the world of Torah and the mundane world are one and the same. Neither focuses solely on the individual; rather, emphasis is placed on the individual vis-à-vis his neighbors; the individual as a resident of his city; the individual as part of a nation.

It therefore seems to me that the tractate of Nezikin, which expounds upon the basic laws presented in our portion, would have been superfluous had the halakhic debate remained within the walls of the beit midrash. However, the halakhic discourse which takes place within the Study Halls is, in itself, necessary for maintaining a robust society. Without profound learning and a true investigation of Torah laws, how will we know how to live our lives?

Our life as Jews, whose ultimate desire is to serve God, live by His Torah and fulfill His mitzvot, must be a life lived upon the continuum which stretches from within the walls of the beit midrash all the way to everyday life outside of these walls. At times we will be the dwellers of the Halls of Torah, and sit and learn for hours on end; and sometimes we will be among those who walk about outdoors managing their mundane affairs, and, at times, go in search of the Torah scholars who come out into the street to render Torah judgement.

Rabbi Kook gave an apt description of this state of affairs in his book Ein Ayah on the tractate of Shabbat, in reference to the story about Rav Assi mentioned earlier. He writes, "The Torah must be relevant to practical life by illuminating the paths of life, rather than being solely a lofty text of wisdom."

Let me end with a profound thought I came across when learning about the mundane world vs. the world of Torah study. In his book Birkei Yosef on the Orach Chayim, the "Hida HaKadosh" (Rabbi Yosef David Azulai) writes that "one must distinguish between the study of Torah and the observance of the mitzvot. One who engages in a mitzva is exempt from performing another mitzva at the same time; however, not so with Talmud Torah, the study of Torah. This is because the study of Torah comes to teach us the true essence of Torah, which is the observance of the mitzvot, rather than Torah study unto itself. Moreover, the greatness and glory attributed to the study of Torah only holds true when Torah study leads to deeds."

The Hida teaches us something of extreme importance. We are all familiar with the halakha that one who engages in a mitzva is exempt from performing another mitzva at that moment. But this is not the case when it comes to Torah study. This means to say that if one is engaged in the study of Torah and another mitzva suddenly presents itself to him, he must cease his learning and fulfill the mitzva right away – the reason being that Torah study is only deemed great when it leads to practice.

This is the idea behind Parshat Mishpatim. Real Torah is one that leads to deeds. True Torah study must be an integral part of the practical world, for our mundane life cannot exist without it.

Dvar Torah: TorahWeb.Org

Rabbi Hershel Schachter

Individual and Communal Conversion

I. The Gemorah (Kerisus 9a) tells us that all of the laws of geirus (conversion) were established by the chachomim based on the Torah's description of ma'amad Har Sinai, which was the national geirus of the entire Jewish people. The first, and absolutely indispensable, requirement is kabolas ol mitzvos, i.e. the convert must commit himself to observe all mitzvos, just as on the occasion of ma'amad Har Sinai the entire Jewish people declared, "na'aseh v'nishmah". The second requirement for conversion is derived from the fact that prior to bringing the korban Pesach in Mitzrayim, all of the men had to have a bris milah. The Gemorah understands that this is not only because an arel may not eat korban Pesach, but was also the first step in geirus, as is required for converts in all the future generations. Immersion in a mikvah is also a required part of conversion and is learned from all of the Jewish people having to go to the mikvah immediately before ma'amad Har Sinai. If we would just read the pessukim in the chumash we would get the mistaken impression that only married couples had to go to mikvah. However, the Gemorah points out that if one reads in between the lines, one understands that even the single people had to undergo tevilah as well. And finally, towards the end of parshas Mishpatim, the Torah tells us that special korbanos were offered at Har Sinai, which the Gemorah understands to indicate that a korban is required of every Ger throughout all generations.

At first glance, one might think that the requirement for a ger to bring a korban would make conversion impossible today. The Gemorah points out, however, that the Chumash indicates that converts can be accepted in every generation even though the Torah speaks of a possibility of a generation where there is no Beis Hamikdash. The Gemorah explains that geirus is completed even before the korban ha'ger is offered, but the ger is not permitted to eat other korbanos until he brings his korban ha'ger. The Gemorah says that anyone who converts today and will still be alive when the third Beis Hamikdash will be built will be required to bring his korboan ha'ger at that time.

II. In addition to kabolas ol mitzvos, tevilah, and korban, the Torah (24:7) describes another event which took place during ma'amad Har Sinai, namely that they read from the "sefer ha'bris." Rashi (ibid) quotes from the Tanoim that the sefer ha'bris consisted of all of sefer Bereishis and Shemos up until ma'amad Har Sinai. If all the laws of geirus were established based on what took place at Har Sinai, why don't we have the practice to read from the sefer Torah when someone converts?

On the occasion of ma'amad Har Sinai the Torah was accepted by the entire tzibbur and the bris was made with the tzibbur as a whole, not with individual Jews. Perhaps the requirement of reading from the sefer ha'bris only applies when there is a kabbolas ha'Torah by the entire tzibbur because the bris was made with the entire tzibbur as well.

The Gemorah (Shabbos 88a) understood from the phrase in Megilas Esther (9:27, "kiymu v'kiblu") that on the occasion of the neis Purim there was another kabbolas haTorah by the entire tzibbur. The Gemorah also understands from another phrase in Megilas Esther (9:30, "divrei shalom ve'emes") that the megilah is compared to "amito shel Torah", which Rashi understands to refer the sefer Torah[1]. [On the occasion of Ma'amad Har Sinai, the sefer ha'bris only consisted of everything in Bereishis and Shemos up until Sinai. Once Hashem dictated to Moshe Rabbeinu how to assemble the chamisha chumshei Torah at the end of forty years of traveling in the desert, the entire sefer Torah had the status of a sefer ha'bris.] The national kabbolas ha'Torah on the occasion of neis Purim created the requirement to read from another sefer ha'bris, namely Megilas Esther.

The sefer Torah and Megilas Esther share in common a din based on the fact that they both have a special status of sefer ha'bris. The Rambam writes that if you write Torah, Nevi'im, and Kesuvim in one continuous klaf, you can't lein kri'as ha'Torah from it. While it is true that the Nevi'im and Kesuvim have the status of Torah b'ksav, they do not have the status of sefer ha'bris. The Rambam uses the expression, "yeser ko'notal" (which appears in the Gemorah in a totally different context) to say that if you add something to the Torah which is not sefer ha'bris, it pulls down the status of the sefer Torah. If we would lein from a klaf which has only one parsha in it, that would be considered kri'ah shelo mitoch ha'ksav. Alternatively, if we would lein from a klaf which contained an entire chumash, e.g. sefer Shemos, the kri'ah of would be considered mitoch ha'ksav because we have a sefer sholeim, but it is not considered a kri'ah from a sefer ha'bris. Because the bris was made with the entire tzibbur, the Gemorah (Gittin) says it is a violation of kavod ha'tzibbur not to read the parshas ha'shavua from a sefer ha'bris. The Rambam adds that if you have the entire Tanach together in one klaf, since the other nineteen seforim are not sifrei ha'bris, that copy of the Chamisha Chumshei Torah loses its status of sefer ha'bris and can't be used for kriyas ha'Torah.

The Gemorah says that this same din of kavod ha'tzibbur applies to kri'as ha'Megilah. If one has all of the five megilos together in one klaf, because the other four megilos are not considered sifrei bris they lower the status of this copy of Megilas Esther. If one were to lein the megillah without a minyan, reading from such a klaf would be fine, since it will be mitoch ha'ksav and from a sefer sholeim. However, it would not be acceptable for reading the megillah in a minyan. Because the bris was entered into with the tzibbur, the tzibbur must hear kri'as ha'megillah from a text that has the status of sefer ha'bris, but there is no such requirement for yechidim.

[1] Tosfos disagrees with Rashi regarding the meaning of the phrase "amitoh shel Torah". However, in the sefer Kedushas Levi, the Barditchiver points out that the Talmud Yerushalmi seems to have understood like Rashi and not like Tosfos.

Torah.Org Dvar Torah
by Rabbi Label Lam

How Holy People Live

And you shall be holy people to Me… (Shemos 22:30) What does it mean to be holy? How do we do this? Years ago, we went on a family trip to Lancaster Pennsylvania to visit the Amish people, not the Heimish people. On Shabbos we were discussing our trip and a Shabbos guest commented with a tinge of admiration, “They are so holy.” I was taken aback. I just couldn’t let that comment stand without some qualification. I said, “I think that “wholesome” would be more appropriate but not holy. They are busy retreating from and avoiding the world. That certainly contributes to their wholesomeness and innocence which is refreshing. The Torah, however, is advising us on how to maximally and optimally engage every aspect of the world around us. That’s holy!”

The Kotztker Rebbe commented on the verse, “And you shall be holy people to Me… (Shemos 22:30) “HASHEM has plenty of holy angels but what he desires most is “holy people”, people who encounter a complex world, and go about the business of their life in this world acting and living and breathing “l’Shem Shemaim – for the sake of Heaven. Again, that’s holy!

The Mishne in Avos mandates, “Let all your deeds be for the sake of Heaven”. Once again, the Kotzker Rebbe comments, “Even your l’Shem Shemaim should be L’Shem Shemaim- Even your ‘for the sake of Heaven ’should be for the sake of Heaven.” We cannot fool ourselves but neither can we exempt ourselves from trying.

The Chovos HaLevavos explains that all of our actions can be pigeon holed in one of three categories. 1) Mitzvah 2) Aveira -Sin or 3) Reshus – Permissible.

Let us say that we have filtered out or minimized sins. That's good news. Let us say that we are maximizing Mitzvos. That's great! Still the largest part of our day is still comprised of Reshus, plain old permissible stuff. We spend 1/3 of our days sleeping. We spend plenty of time eating. They are neither Mitzvos or Aveiros necessarily. What are they? Reshus! So much time and energy is lost in life on Reshus. Now Chovos Levavos gets tough with us. It may start out as three categories but ultimately there are only two, Mitzvah or Aveira! There is no neutral third option. How so!?

Let us say that a person has three possible positions when it comes to belief in HASHEM. 1) Believing in HASHEM 2) Atheism – Firmly not believing in HASHEM and 3) Agnosticism uncertainty. Now there may be three categories theoretically but practically there are only two. Either the agnostic chooses to live like he believes or he doesn't. By not choosing he is also choosing. He is living a life without having acknowledged or developed a lasting relationship with an eternal Being.

So too when it comes to the world of "Reshus". If one goes to sleep with the express intention of getting up to serve his Creator then all that horizontal time is launched upward in a vertical direction. He was doing a Mitzvah even while sleeping and recuperating his strength for Mitzvos. If he eats to gain strength to serve his Creator then eating becomes a Mitzvah. It's that simple! There are hundreds of other areas of life that can be rescued with a simple thought or verbal expression. "I am doing this for the sake of Heaven" and even if I am faking it till I make it, but deep down inside I really want to perform more pedestrian deeds L'Shem Shemaim, for Heaven's sake, that's holy. It's beyond wholesome and greater than being an angelic being, how holy people live.

Mizrachi Dvar Torah

Rav Doron Perez - Right is Right

We have all become familiar with 'woke culture 'and one of its principles is that whenever there is a mismatch between a weaker and a stronger party, the weaker party is always right. We should support the underdog, the one where life had dealt a difficult hand to, where the odds are stacked against them, they need our mercy and compassion.

There is a specific command in this week's parasha which goes directly against that: "A poor person we do not show favor to them in his dispute." We need to show compassion to them, but if they come to court having contravened morality – just because they are the vulnerable party doesn't justify murder, rape, vandalism etc.

Might is not right, but neither is weakness. What is right? Right is right. Nothing justifies people doing horrific things, no matter their background or how much they see themselves as victims. We look at the actions, not the balance of power.

Rabbi Dr. Norman J. Lamm's Derashot Ledorot

Enlightened Self-Interest

Historians tell us that when they find a law in a document, they assume that the mode of conduct which this law prohibits is the one that generally prevailed before the law was passed. With this in mind, let us turn to a Talmudic law enunciated as a commentary on one of the verses in this morning's Sidra. We read, as part of the Torah's civil legislation, "If you lend money to any of My people, even to the poor with you…" (Ex. 22:24). It is the verse which, in addition to the prohibition of usury, is the source of the commandment that we must lend our money to those in need. The Rabbis, troubled by the queer construction of the verse" –My people, the poor, with you"--deduced the following order of priority as to who shall be the beneficiary of our generosity in lending money: (B.M. 71a). If two people solicit your loan, and one is a fellow Jew and one a gentile, then all other things being equal, if you have sufficient to lend only one of them, the Jew takes precedence over the non-Jew. If the two people appearing before you are otherwise equal, but one is a poor man and one a rich man, the poor man comes first. If you are approached for a loan by a poor man who is a relative and a poor man who is a neighbor, the relative is to be preferred over the neighbor. If one of them is a poor man who lives in your town, and the second is a poor man who lives in another town, the poor man who is your neighbor takes precedence over the poor man from afar.

Note well that the Talmud does not bid us neglect the gentile, the non-relative, or the stranger. It does give us a list of priorities. What the Talmud is telling us is that a totally altruistic ethic, which does not recognize intimate human bonds and afflictions, is unnatural, and impractical–and hence, ultimately morally valueless. An ethic which does not consider and which affirms such human associations as nation, people, family, neighborhoods, is realistic and hence morally invaluable.

That would seem to be an acceptable and self-evident principle. Yet the need the Talmud saw for legislating this rule indicates, according to the historian's device we mentioned earlier, that this principle was often violated. There were and are, apparently, many people who would rather assist the stranger than the acquaintance, would rather benefit the non-relative than the relative.

Indeed, I would diagnose this phenomenon as an American Jewish disease! Western Jews, since the Emancipation, have grown up on the myth of "Universal Man," a universalism which negates ethnic identity and national-religious uniqueness. It is the kind of myth which, for many years, fed anti-Zionist classical Reform and the American Council for Judaism from which, thank Heavens, we hear less and less as times goes on.

Likutei Divrei Torah

I recall a passage in the notorious "Symposium of Intellectuals," which appeared several years ago in Commentary magazine. One writer, who apparently came from a warm, ethnic Jewish home against which he had been leading a decades-long adolescent rebellion, complained that in his family people would, upon reading in the newspapers the casualty list of some airplane disaster, scan the names for those which were Jewish-sounding and express their horror at finding such names. I confess that for many years thereafter I was embarrassed when I found myself doing the same thing. The embarrassment, however, was short lived, because I soon noticed that this nefarious, tribalistic habit was not unique to Jews. When an airplane disaster occured overseas, the American press would itself list the names only of American passengers. And in the listing of Vietnam War casualties, the New York newspapers would list only New York names, the Chicago newspapers only Chicago names, etc… It dawned upon me, as it never dawned upon the pretentious intellectual of Commentary who had liberated himself from his parents 'Jewish provincialism, that it is quite rational and natural for people to give emotional and practical priority to those who are closest to them, either in flesh or faith or geography. I realized that one can feel greater attachment to his fellow Jews in reading of such unfortunate events, without in the least detracting from his fundamental human compassion for all his fellow men. To give priority to Jews does not imply disdain for gentiles. To give precedence to the poor of your city does not compel you to an attitude of cruelty to those who live afar. To love your family does not imply to hate your friends.

The New Left, whether here or in Israel or in Europe, seems to be guilty of that same perversion of the human spirit. The Jewish members of the New Left apparently believe that every people has the right to its own national expression, but that only Jews must be "universal!" When Jews assert their national or ethnic individuality, then that same attractive spirit of nationalism undergoes a traumatic change from glorious self-determination to an ethnocentric jingoism that is beneath contempt. The same nationalistic consciousness which, when practiced by Castro or El Fatha, is described as a healthy, struggling, emerging liberation movement, is referred to by the New Left when it apperas as Zionism– as an "oppresive, neo-colonialist imperialism." They have reversed the Talmudic formulation and believe that: your people and the stranger, the stranger comes first; the poor of your city and the poor of another city, those of the other city come first.

But of course, the parents of the New Left– if not biologically, then ideologically–were not much different. The immediate predecessors of today's interreligious dialogues were the little lamented "interfaith" meetings, which assimilated and semi-assimilated America Jews approached with so much solemnity, and which was really so empty and vacuous. A famous anecdote about such events expressed a great deal of truth in its wit: After one such meeting, a Jew who attended was asked by another Jew how many people were

present, and he replied, “There were two goyyim and ten ‘interfaiths’!

The time has long passed for us to get away from the pretense of supposedly non-sectarian bodies with all-Jewish membership. We should by now have sufficient dignity to do away with that colossal make-believe that when defending Jewish interests. That is nonsense! There is nothing wrong with defending your own interests and those closest to you. Show me a man who does not love his own children, and I will show you a man whose love for other children I do not trust. If there is a person who has no feeling for his own people, his feeling for other people is meaningless. There is no reason to be embarrassed by asserting clearly and unequivocally the principle of “the poor of your city come first.” There is no need to excuse American Jewish support of Israel by the old U.J.A. slogan that, “Israel is the only bastion of democracy in the Middle East.” It is true that it is the only fortress of democracy in the Middle East. But what if Lebanon were similarly democratic, would that call for the U.J.A. to divide its funds equally between Israel and Lebanon?

There is nothing undemocratic, non-humanitarian, or unenlightened about Jewish solidarity. It is natural, proper, understandable. On the contrary, for Jews to pretend and dissimulate and apologize is unnatural, degrading, undignified, and humiliating. For too long have we allowed the apostles of extravagant universalism to lay exclusive claim to the prophetic tradition, as if the Prophets of Israel demanded that the Children of Israel abandon all claims to their self-interest and think first and foremost, if not altogether, only about the welfare of the Egyptians and Babylonians and Hittites. That, of course, is nonsensical. The Prophets ’ universalism grew out of their nationalism, and was not at all in conflict with it. Remember the famous words of Isaiah (58:7) which roll down at us with the force of a thunderclap every Yom Kippur afternoon when we read them as part of the Haftorah – The prophet tells us that the true fast must result in a genuine moral transformation of man, so that he will break his bread and share it with the hungry; and bring into his own home the abandoned poor; and offer clothing to cover the nakedness of those who can afford no garments. But the climax comes in the last threerom thine own flesh hide not”–תthyself!” Do not imagine that charity to all means neglect of those closest to you! Of course you must break bread with all the hungry and offer shelter to all the poor and give clothing to all the naked, but without this last reminder not to ignore your own flesh and blood, what came before is simply universalistic preachment that makes good copy for a liberal press but it is otherwise ineffective and meaningless; with it, you have true prophecy, the kind that can become actualized as a real ethic of life. The prophets did not preach love of Man, but the love of men, beginning with your own. Only if “the poor of your city take precedence,” will we learn to care as well “for the poor of another city.”

It is in this sense that I take an especially dim view of the opposition by the majority of American Jewish organizations to the Speno-Lerner bill currently being debated in Albany. According to this bill, the government will subsidize by a certain amount the secular education of those children who attend private religious schools. I am not at this time referring to any particulars of the bill, but rather to the principle that informs the American Jewish opposition. I do not by any means suspect their motives, but I question their rightness and their relevance in their almost intuitive, Pavlovian reaction to any suggestion of Federal or State aid to parochial schools.

Let us be honest. For a long time, and even now, such opposition to government aid for religious schools came from an unadmitted fear of control of education in New York by the Catholic Church. But this is an unworthy element. First, if the law results in an unjust and onerous burden of double taxation on parents of children whose consciences cause them to choose a private religious school, then it is unfair to deny them government aid for the secular portion of their studies. Furthermore, from a practical point of view, there is no danger today of the Church taking control of the government or the educational system of New York; the Church today is not even in control of the Church! Such elements therefore are completely irrelevant to the issue at hand.

But most important, even if we should assume that such government aid would not accord with the strictest and most rigorous application of the principle of separation of Church and State–and I seriously doubt whether there was any time in the history of this country that this principle was maintained in its pristine purity–and even if such federal aid were to be considered in the minus column of the equation that determines the welfare of the public schools system, do not the American Jewish organizations have any obligation to Jewish parents whose children attend day schools–the only real guarantee of survival of Jewish life in this country? Must these organizations persist in their knee-jerk reactions without ever reconsidering their policies on the basis of an enlightened self-interest? Are not “Jewish Jews” also a part of their constituencies? All of life, all of law, all of politics revolves around the question of conflicting interests and competing claims. There is little in these areas that is all black or white. It is true that we must not always prefer our own individual interests over the overriding interests of the general welfare. But must the American Jewish Congress and the Federation of Jewish Philanthropies make it a rule that “the poor of the other city come first?” Have we not pushed the universalistic myth to the point of self-denigration and self-harm?

I have spoken in day schools around the country, and have met with parents and principles and lay leaders of these schools. Our day schools are in trouble. No matter how much tuition they charge the parents, they are tottering on bankruptcy. And parents are groaning under the burden. I am not referring primarily to parents of the upper middle class or even the lower middle class although they find the task very difficult and for young parents it is often staggering, but especially to parents of the lower economic class, who have to deny themselves not only luxuries that others enjoy, but the basic needs of life, in order to give their children a Jewish education. Why do these claims find no resonance in the lofty, liberal, and universalistic proclamations and exhortations of many of the organizations of our Establishment? “And from thine own flesh do not hide thineself!”

Yet, having said all this, I would not want us to lose our sense of balance. I would not want to see our communities slip into the opposite kind of one-sidedness: an extravagant ethnic retrenchment that throws off responsibility to the poor of another city, to the poor of the non-Jew. It is true that we can no longer afford to indulge in this polite and unhealthy collective masochism that gives precedence to all other causes over the Jewish interests. But neither is it desirable for us to encourage a wave of reaction whereby we neglect other needs and general humanitarian causes, whether civil rights or ecology, whether politics or world peace or economic justice.

The Talmud (Hul. 63) asks why in the Bible the stork is called חסידה, a word from the root חסד, which means love or charity or kindness. The Talmud says: למה נקרא שמה חסידה? שעושה חסידות עם חברותיה it is called חסידהbecause the stork performs acts of חסדor benevolence with its friends and children. Whereupon the Hasdim ask: If so, why does the Bible consider the stork or חסידהan unclean bird, non-kosher and unfit for human consumption? And they answer: because it is kind only to its own young and not to the young of other species of birds! If we are to be sane, natural Jews, we must care for our own first. But if we are to be kosher Jews, we must not neglect the others.

We must therefore strike a balance between ethnic introversion and exclusiveness on the one hand, and universalistic masochism and self-denigration on the other. With Maimonides, we must choose the middle way in this as in all else, between the unhealthy consequences of the universalistic myth and the commandment, “From thine own flesh hide not thyself.” The trouble with some people is that for them charity begins at home and ends at home. The trouble with others is that their charity excludes their own home, and therefore ends up as a solemn and vacuous joke. The right way is for charity to begin at home, and then to extend in ever-widening and concentric circles outward, to encompass all people.

Perhaps all this was best summed up by that immortal aphorism of Hillel the Elder, “If I am not for myself, who will be for me? And if I am for myself alone, what–or who–am I?” Jewish moods are notoriously volatile, often gyrating from one extreme to the other without going through the transitions. It is best that we always remember and practice both principle the, priority of our own needs proceed there from to service to all other human beings. Both together are the Golden Mean of enlightened self-interest. Now, above all, is the time to reassert this authentically Jewish doctrine, “if not now, when then“?

Weekly Internet Parsha Sheet
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Rabbi Wein's Weekly Blog

A viable legal system is of necessity composed of two parts. One is the law itself, the rules that govern society and are enforced by the proper designated legal authorities. The other part of the legal system is the moral, transcendental value system that governs human and societal behavior generally. If the legalities and rules are the body - the corpus of the legal system, then the value system and moral imperatives that accompany those rules are the soul and spirit of that legal system.

In a general sense, we can say that the Written Law represents the body of the legal system while the accompanying Oral Law represents the soul and spirit of Jewish jurisprudence and Jewish societal life and its mores and behavior. The Written Law is interpreted and tempered by the Oral Law that accompanies it, and both of these systems are Divine in origin.

And, it is perfectly understandable how, for instance, "an eye for an eye" in Jewish law means the monetary value of the injury must be paid to the victim of that injury but not that the perpetrator's eye should also be put out as punishment for his behavior. In the Talmud we have many examples of the overriding moral influence of the Oral Law when applied to the seemingly strict literal words of the Written Law. The rabbis of the Talmud taught us that there is even a third layer to Jewish law that governs those that wish to be considered righteous in the eyes of man and God and that is the concept of going beyond what the law – even the Oral Law – requires of us.

So, when studying this week's parsha of laws, rules and commandments we must always bear in mind the whole picture of Jewish jurisprudence in its many layers and not be blinded by adopting a purely literal stance on the subject matter being discussed by the Torah in the parsha. Throughout the ages, the process of halachic decision-making has been subject to this ability to see the forest and not just the trees, to deal with the actual people involved and not only with the books and precedents available concerning the issue at hand. Every issue is thus debated, argued over, buttressed and sometimes refuted by opposing or supporting sources. Independence of thought and creativity of solutions are the hallmarks of the history of rabbinic responsa on all halachic issues.

There are issues that are seemingly decided on the preponderance of soul and spirit over the pure letter of the law. There is the famous responsa of the great Rabbi Chaim Rabinowitz of Volozhin who allowed a woman, whose husband had disappeared, to remarry though the proof of her husband's death was not literally conclusive. He stated there that he made "an arrangement with my God" that permitted her to remarry.

This is but one example of many similar instances strewn throughout rabbinic responsa of the necessary components of spirit and soul that combine with literal precedents that always exist in order to arrive at correct interpretations of the holy and Divine books of law that govern Jewish life.

Shabat shalom.

Rabbi Berel Wein

The Slow End of Slavery
Mishpatim
Rabbi Jonathan Sacks

In Parshat Mishpatim we witness one of the great stylistic features of the Torah, namely its transition from narrative to law. Until now the book of Exodus has been primarily narrative: the story of the enslavement of the Israelites and their journey to freedom. Now comes detailed legislation, the "constitution of liberty."

This is not accidental but essential. In Judaism, law grows out of the historical experience of the people. Egypt was the Jewish people's school of the soul; memory was its ongoing seminar in the art and craft of freedom. It taught them what it felt like to be on the wrong side of power. "You know what it feels like to be a stranger," says a resonant phrase in this week's Parsha (Ex. 23:9). Jews were the people commanded never to forget the bitter taste of slavery so that they would never take freedom for granted. Those who do so, eventually lose it.

Nowhere is this clearer than in the opening of today's Parsha. We have been reading about the Israelites' historic experience of slavery. So the social legislation of Mishpatim begins with slavery. What is fascinating is not only what it says but what it doesn't say.

It doesn't say: abolish slavery. Surely it should have done. Is that not the whole point of the story thus far? Joseph's brothers sell him into slavery. He, as the Egyptian viceroy Tzofenat Paneach, threatens them with slavery. Generations later, when a pharaoh arises who "knew not Joseph," the entire Israelite people become Egypt's slaves. Slavery, like vengeance, is a vicious circle that has no natural end. Why not, then, give it a supernatural end? Why did God not say: 'There shall be no more slavery'?

The Torah has already given us an implicit answer. Change is possible in human nature, but it takes time: time on a vast scale, centuries, even millennia. There is little doubt that in terms of the Torah's value system the exercise of power by one person over another, without their consent, is a fundamental assault against human dignity. This is not just true of the relationship between master and slave. It is true, according to many classic Jewish commentators, of the relationship between king and subjects, rulers and ruled. According to the Sages it is even true of the relationship between God and human beings. The Talmud says that if God really did coerce the Jewish people to accept the Torah by "suspending the mountain over their heads" (Shabbat 88a) that would constitute an objection to the very terms of the covenant itself. We are God's avadim, servants, only because our ancestors freely chose to be (see Joshua 24, where Joshua offers the people freedom, if they so choose, to walk away from the covenant then and there).

So slavery is to be abolished, but it is a fundamental principle of God's relationship with us that he does not force us to change faster than is possible of our own freewill. So Mishpatim does not abolish slavery, but it sets in motion a series of fundamental laws that will lead people, albeit at their own pace, to abolish it of their own accord. Here are the laws:

"If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything . . . But if the servant declares, 'I love my master and my wife and children and do not want to go free,' then his master must take him before the judges. He shall take him to the door or the doorpost and pierce his ear with an awl. Then he will be his servant for life.

Ex. 21:2-6

What is being done in these laws? First, a fundamental change is taking place in the nature of slavery. No longer is it a permanent status; it is a temporary condition. A Hebrew slave goes free after seven years. He or she knows this. Liberty awaits the slave not at the whim of the master but by Divine command. When you know that within a fixed time you are going to be free, you may be a slave in body but in your own mind you are a free human being who has temporarily lost their liberty. That in itself is revolutionary.

This alone, though, was not enough. Six years are a long time. Hence the institution of Shabbat, ordained so that one day in seven a slave could breathe free air: no one could command him to work:

Six days you shall labour and do all your work, but the seventh day is a sabbath to the Lord your God. On it you shall not do any work, neither you . . . nor your male or female servant . . . so that your male and female servants may rest, as you do. Remember that you were slaves in Egypt and that the Lord your God brought you out of there with a mighty hand and an outstretched arm. That is why the Lord your God has commanded you to observe the Sabbath day.

Deut. 5:12-14

But the Torah is acutely aware that not every slave wants liberty. This too emerges out of Israelite history. More than once in the wilderness the Israelites wanted to go back to Egypt. They said, "We remember the

fish we ate in Egypt at no cost, also the cucumbers, melons, leeks, onions and garlic" (Num. 11:5).

As Rashi points out, the phrase "at no cost" [chinam] cannot be understood literally. They paid for it with their labour and their lives. "At no cost" means "free of mitzvot," of commands, obligations, duties. Freedom carries a highest price, namely, moral responsibility. Many people have shown what Erich Fromm called "fear of freedom." Rousseau spoke of "forcing people to be free" – a view that led in time to the reign of terror following the French Revolution.

The Torah does not force people to be free, but it does insist on a ritual of stigmatization. If a slave refuses to go free, his master "shall take him to the door or the doorpost and pierce his ear with an awl." Rashi explains:

Why was the ear chosen to be pierced rather than all the other limbs of the body? Said Rabbi Yochanan ben Zakkai: ...The ear that heard on Mount Sinai: "For to Me are the children of Israel servants" and he, nevertheless, went ahead and acquired a master for himself, should [have his ear] pierced! Rabbi Shimon expounded this verse in a beautiful manner: Why are the door and the doorpost different from other objects of the house? God, in effect, said: "The door and doorpost were witnesses in Egypt when I passed over the lintel and the two doorposts, and I said: 'For to Me are the children of Israel servants', they are My servants, not servants of servants, and this person went ahead and acquired a master for himself, he shall [have his ear] pierced in their presence."

A slave may stay a slave but not without being reminded that this is not what God wants for His people. The result of these laws was to create a dynamic that would in the end lead to an abolition of slavery, at a time of free human choosing.

And so it happened. The Quakers, Methodists and Evangelicals, most famous among them William Wilberforce, who led the campaign in Britain to abolish the slave trade were driven by religious conviction, inspired not least by the biblical narrative of the Exodus, and by the challenge of Isaiah "to proclaim freedom for captives and for prisoners, release from darkness" (Is. 61:1).

Slavery was abolished in the United States only after a civil war, and there were those who cited the Bible in defence of slavery. As Abraham Lincoln put it in his second Inauguration:

"Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged."

Yet slavery was abolished in the United States, not least because of the affirmation in the Declaration of Independence that "all men are created equal," and are endowed by their Creator with inalienable rights, among them "life, liberty and the pursuit of happiness." Jefferson, who wrote those words, was himself a slave-owner. Yet such is the latent power of ideals that eventually people see that by insisting on their right to freedom and dignity while denying it to others, they are living a contradiction. That is when change takes place, and it takes time.

If history tells us anything it is that God has patience, though it is often sorely tried. He wanted slavery abolished but He wanted it to be done by free human beings coming to see of their own accord the evil it is and the evil it does. The God of history, who taught us to study history, had faith that eventually we would learn the lesson of history: that freedom is indivisible. We must grant freedom to others if we truly seek it for ourselves.

Miracles and Torah Scholars

Revivim

Rabbi Eliezer Melamed

The great rabbis did not engage in miracles; rather, they deeply contemplated God's word as revealed through the commandments of the Torah and its teachings, and based on this, they guided the public *The main purpose of miracles performed by righteous individuals is for simple and innocent people who need miracles to stir their hearts and help them cling to faith *However, dealing with miracles may lead to a mistake, where people rely on the blessings of a rabbi, and do not make efforts in Torah study, repentance, and good deeds

The Story of Rabbi Hanina ben Dosa

There is a story about Rabbi Hanina ben Dosa, who went to learn Torah from Rabbi Yochanan ben Zakkai, one of the greatest Sages of the generations. He established important enactments, thanks to which the Jewish people continued to cling to Torah and the commandments after the destruction of the Second Temple. The son of Rabbi Yochanan ben Zakkai became ill. Rabbi Yochanan said to him: "Hanina, my son, pray for mercy on behalf of my son, so that he will live." Rabbi Hanina placed his head between his knees and prayed for mercy on his behalf, and the child was healed. Rabbi Yochanan ben Zakkai said: "If I, the son of Zakkai, were to place my head between my knees all day long, they would not pay attention to me." Rabbi Yochanan's wife said to him: "Is Hanina, your disciple, greater than you?" He replied: "No, but he is like a servant before the king, and I am like a minister before the king" (Berakhot 34b).

The Role of the Minister and the Servant

In other words, the role of the minister is to understand the will of the king, and be a partner in shaping the economic, social, military, and legal policies to benefit the kingdom. If he attends to personal matters, he may neglect his public duties, and may even misuse the kingdom's resources for his personal gain. In contrast, the servant does not attempt to understand the overall policy, and does not try to influence it. However, out of his reverence for the king and the importance of his role, he tends to all personal needs with love and loyalty, so that the king can rule the kingdom in the best possible way. Because of this, the servant is particularly close to the king, and he can request personal matters on behalf of individuals that fit the king's good heart, as long as they are carried out discreetly and do not violate the kingdom's rules.

Similarly, the great rabbis did not engage in miracles, but rather, deeply contemplated God's word as revealed through the commandments of the Torah and its teachings. Based on this, they guided the public and educated the students to be righteous and diligent in their work, to sanctify their lives by observing the Sabbaths and Festivals, to establish families with joy and love, to avoid prohibitions, to thank God with blessings, to settle the Land, and to pray for Redemption. In doing so, they brought the best possible blessing to the world. Because the primary blessing comes to both the individual and the community when the Jewish people understand their purpose, and choose to observe the Torah and its commandments.

On the Other Hand – Miracle Workers

Miracle workers are righteous individuals who are engaged in practical life, but their souls are connected to the heavens. Through dedication and self-sacrifice, they strive to always cling to truth and goodness. Although they did not teach Torah to the masses as the great rabbis did, their lives serve as an example of how a person can connect with faith to eternal values while still being involved in earthly needs. Through this, miracles sometimes happen through them, bringing blessings from a higher realm, which will be revealed in the future, strengthening faith that God governs the world, and yearning for complete Redemption.

Stories about Rabbis and Righteous People

Similarly, the Talmud recounts that in Sura, the city of the great Amora Rav, a plague of pestilence spread, and many people died from it. However, in Rav's neighborhood, the plague did not spread. The people thought that this must have been because of Rav's merit. They saw in a dream that Rav's merit was greater, but that the fact the plague did not spread was due to a righteous person in the neighborhood who was used to lending burial tools to bury poor deceased people. They also told that in Drokarta, the city of the great Amora Rav Huna, a fire broke out, but it did not reach Rav Huna's neighborhood. The people thought this was because of Rav Huna, but they saw in a dream that Rav Huna's merit was greater, and the rescue from the fire was due to a righteous woman who would heat her oven every Erev Shabbat, and let all the poor women cook their meals in it (Ta'anit 21b).

Rabbi Nachman's Parable about Two Sons of the King

Among the leaders of the Chassidic movement, there were great Rebbes in Torah, who uplifted their followers with their teachings and guidance but did not perform miracles, and there were Rebbes who were not as great in Torah, but became famous as miracle workers, to the point that some considered them greater than the great Torah scholars.

Rabbi Nachman of Breslov addressed this in a sharp parable: There was a king who had two sons, one wise and the other foolish (though not truly foolish, but compared to the wise son, he seemed foolish). The king made the foolish son in charge of his treasures, while the wise son was not given any responsibility, but sat always near the king. The people wondered: How is it possible that the foolish son holds such an important position, with everyone coming to him to receive from the treasury, while the wise son has no position? The king answered them: "Is this really a virtue? The one in charge of the treasures takes from what is prepared, and distributes it to the people. But the wise son sits with me, thinks thoughts, and gives me advice on how to conquer lands that I didn't know of at all (today, we would say he gives advice on how to develop science, technology, and economics), and these lands (or developments), fill my treasures. Meanwhile, the one who manages the treasury only takes from what is ready, and distributes it to the people. Therefore, the wisdom of the wise son is certainly much greater than the one who manages the treasures" (based on Sichot HaRan 130).

Rabbi Nachman's disciples say that he almost never performed miracles, and even when miracles were done for him unintentionally, he prayed that they be forgotten. His disciples said that his greatest miracles were in bringing his followers closer to their Father in Heaven (Sichot HaRan 187; 249).

The Value of Miracle-Workers

The regular conduct of the world is through natural laws, because God created the world with wisdom and governs it according to the laws inherent in it, so that a person can understand the consequences of their actions. If one chooses good, they will increase goodness, and if they choose evil, they will increase evil. However, at times, the difficulty in living within the framework of natural laws can cause a person to forget their faith and purpose, and accept reality as an unchangeable fact, compromising with all the injustices within it.

Like stars that shine in the darkness, miracle-workers who cling to God and the values of truth and goodness without compromise, ignite the light of faith in the hearts of others, and remind everyone that God governs the world. The laws of nature are subservient to Him, and He loves the righteous and answers their prayers, performing miracles for them. However, the conduct of miracle-workers is suited for exceptional individuals who are strict with themselves, avoiding every hint of transgression or negative thought, and are scrupulous in their commandments beyond what is required by the Torah's guidance.

Yet, they inspire ordinary people to strengthen their belief that despite all the difficulties, if one clings to God, He will help them adhere to the Torah and commandments, and gradually free them from the chains that prevent them from perfecting themselves. They also inspire Torah scholars to uncover hidden aspects within the framework of natural laws, so that instead of limiting the person, they help them continue advancing toward the rectification of the world, and its redemption.

However, because the world is naturally governed by these laws, and a miracle is meant to reveal God's will rather than change the order of the world, miracle-workers strive not to benefit from the miracle, and when they do, they suffer great hardship.

The Importance of Miracles

The main need for miracles performed by the righteous, is for simple and innocent people who are not involved in Torah study, and whose lives are not illuminated by the pure light of faith that emerges from the Torah. They need miracles to stir their hearts, and help them cling to faith.

The light that is revealed through divine guidance in the natural order, is greater than the light revealed through miracles. As Rabbi Levi Yitzchak of Berditchev wrote: "One who is at a high spiritual level does not need to see miracles, because one with great intellect perceives the existence of the Creator through reason and understanding." But "one with lesser intellect needs miracles and wonders to believe in the Creator and fear Him" (Kedushat Levi, Parshat Beshalach).

Similarly, Rabbi Zevin wrote that in the study hall of the Chassidim of Pshischa, they said sharply: "Signs and wonders belong to the land of the children of Ham"—in a dark place where people are ignorant, miracles are necessary. And the Rebbe of Kotzk said about the verse, "Our fathers in Egypt did not understand Your wonders" (Psalms 106:7), that the reason they did not achieve intellectual faith, was specifically because they saw God's wonders in Egypt. Thus, Chassidim with understanding would say that stories of miracles that break the laws of nature are few and beautiful, but most are difficult (Introduction to Rabbi Zevin's book "Stories of Chassidim and Festivals").

The Caution of Rabbis Regarding Miracles

Generally, the rabbis, the great Torah scholars, did not engage in miracles, but dedicated their lives to Torah study, teaching it to students, and guiding the people in the observance of commandments. Sometimes, those who asked for guidance felt that blessings were realized in a miraculous way through their responses. However, the great rabbis were careful not to think that miracles were happening to them, or because of them, and they tried to explain that the blessings came in natural ways. Their main role was to teach Torah, while miracles were a side issue that, if given too much importance, might do more harm than good.

First, since miracles disrupt the natural order of the world, they provoke accusations and contain dangers, as we see that many miracle-workers lived in suffering.

Second, dealing with miracles might lead to a mistake where people rely on the rabbi's blessings instead of working hard on Torah, repentance, and good deeds. Therefore, even when people observing from the outside saw that a miraculous power was present in the rabbi's advice and blessings, the rabbis ignored this and explained that their advice succeeded because it was based on the Torah, and their blessing was accepted, because the recipient turned to repentance, and God helped them.

In the same vein, Rabbi Nachman of Breslov said that sometimes God performs miracles through halachic decisors, as it is said: "His miracles and judgments are from His mouth" (1 Chronicles 16:12): "Through the 'judgments of His mouth', when He decrees that something should happen, a miracle occurs… This is the kind of miracles that are told about the great Torah scholars of the previous generations" (Likutey Moharan, Part 2, 41, and see Sicht HaRan 17).

Parshat Mishpatim: What Takes Precedence – My Obligation to God or My Obligation to People?

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"Now these are the laws which you shall set before them. If you buy a Hebrew servant, six years shall he serve and in the seventh he shall go out free, for nothing." (Exodus 21:1–2)

Arriving as it does immediately after the Ten Commandments, it is not surprising that Mishpatim begins with legal requirements of a society dedicated to morality and ethics, specifically, the relationship between employers and employees. Actually, these first laws of servitude coming after the Decalogue seem to be a natural expatiation of the first of the Ten Commandments, "I am the Lord thy God who took you out of the land of Egypt, the house of bondage." It is as though the Bible is saying that from now on there are to be no more slaves among the Hebrews; in a brilliant silent revolution, the Bible utilizes the term "eved" (Hebrew for slave), but totally changes its definition, turning the eved into a hard worker for a limited portion of time, who does not act in a servile fashion and must be granted the same living conditions – in terms of lodging and food – as are enjoyed by his employer. One may even cite the primacy of the placement of these laws as proof of the importance of the commandments between human beings. However, a careful examination of the text reveals that Mishpatim is not exclusively dedicated to civil and criminal law.

We also find reference to laws between human and God:
"You shall not curse God, nor curse a ruler of your people. You shall not delay offering the fullness of your harvest, and the out- flow of your presses." (Exodus 22:27–28)
Then after more ritual laws, the text returns to the laws within human society only to be followed once more with the ritual laws of Shabbat and festivals. Why this to and fro movement?
A strong argument can be made that although Torah law includes both the ritual and ethical, the Torah places priority not on the laws between human and God, but rather on the laws between human beings. We read in Vayera (Gen. 18:1) that after Abraham's circumcision he is graced by a vision of God. But then upon seeing three tired strangers in the distance, he abandons the Almighty, so to speak, to attend to the needs of his guests. The Talmud (Shabbat 127a) points to this incident as an underlying principle that it is of greater importance to be involved with hospitality – sensitivity in interpersonal relationships – than to greet the Divine Presence.
In his work Hegyonot el Ami, the former chief rabbi of Tel Aviv, Rabbi Moshe Avigdor Amiel, argues that this principle is not just an Aggadic hyperbole, but is a fundamental insight into the ideology of halakha. In ritual law there exists the notion of neutralization or nullification (bitul). Should a cupful of non-kosher chicken soup fall into a pot of kosher hot soup, one need not throw out the soup if the ratio of kosher to non-kosher is more than 60 to 1. The forbidden portion becomes nullified in the larger vat. When it comes to laws between human beings, however, there are no such leniencies. If, for example, the ten shekels which I pilfered become mixed into an account where I have six hundred legitimately gained shekels, I cannot invoke the 60:1 nullification concept as I do regarding pots on the stove.
Similarly, when it comes to questions of ritual in the Torah, we have the principle that a positive commandment can push aside a negative prohibition. For example, although it is forbidden to wear clothes woven from a mixture of linen and wool (Lev. 19:19), the Torah nevertheless commands that the ritual fringes required on all four cornered linen garments should include a string of sky-blue wool (Num. 15:38). Here the positive commandment to wear tzitzit overrides the commandment forbidding a garment woven from wool and linen.
When it comes to laws between human beings and God, however, the same principle does not apply. Building a sukka is a positive commandment, but if one steals the necessary wood for construction, we call this a mitzva achieved through sin and the sukka is rendered invalid; no one suggests that the positive command to build a sukka overrides the negative prohibition against stealing.
Finally, emotional intent and devotion (kavana) are an important part of ritual law. Without proper intent, ritual becomes a mechanical act, its value diminished. According to many authorities, such performance of a ritual is of no account whatsoever. Hence, Maimonides rules that if one recites the Shema, expressing each syllable aloud and emphasizing each of the necessary consonants, but does not have the internal commitment to accept the kingship of the divine, the entire recitation is of no religious significance whatsoever. It is as if the Shema had never been recited. However, proper intent is not required in laws between human beings because the deed itself is so important that any lack of inner intent cannot undermine the accomplishment of the act. Therefore, if one gives money to a poor person, even if one only did it in order to make an impression on one's companion, the mitzva is nevertheless valid.
The court system in ancient Israel likewise reflects the seriousness with which we deal with interpersonal relationships. Property litigations require three judges, and questions of life and death require twenty-three judges. To rule on ritual law, however, kosher or traif, all we need is a solitary judge. From this perspective, we may readily understand the mishna regarding Yom Kippur, the Day of Atonement. Yom Kipper (automatically, or at least, when accompanied by repentance) forgives all transgressions between humans and God. But as far as the transgressions between people are concerned, only the wronged party has the right to grant forgiveness (Mishna Yoma 8:9).
The sages were less worried about the realm of divine rituals than about the realm of human relationships. The strongest statement I know on this subject is boldly declared by our sages:
"Does God really care if you slaughter an animal from the back or the front? The whole purpose of the commandments is to purify and to unite humanity." (Tanĥuma Shemini 65)
Our midrash is not questioning the necessity of the detailed laws of slaughtering animals, which it certainly accepts; it is, however, making the rhetorical point as to who benefits from ritual commandments. God is not in need of purification or unity, but we human beings certainly are. That this is the purpose of the commandments, all of them, is one of the subtle messages of Mishpatim. On the surface some commandments may seem to be directed toward societal betterment and some directed toward divine connection, but common to all the commandments is their unifying and purifying principle. In the laws between human beings, whose objective nature is about bringing people closer together, this unifying principle is self-evident. Multiplied enough times, love thy neighbor as thyself translates into a golden age of peace for all mankind. But as we shall endeavor to show, the same message is to be found within the ritual laws as well.
The Shabbat, a ritual which takes over our lives every seventh day, and is the climactic event for which we prepare the other six days, is biblically ordained as both a reminder of God's creation of the world as well as His redeeming us from Egypt. I have already explained the connection between these two events in my commentary on Va'era, if God is the creator of the world and we are all His creatures, no human has the right to enslave another. On this day of reverence for life, we cannot even pluck a blade of grass or pick fruit from a tree. Every creature of God has a right to be. We must recognize and respect every creature as a unique, separate and inviolate entity. Hence, the Shabbat, which seemingly comes to intensify our relationship to God, in reality strengthens our reverence for all life and our sensitivity towards all of existence, towards the whole of the universe. As Martin Buber magnificently taught, anyone who is incapable of saying Shabbat Shalom to a tree or to a dog simply doesn't understand the deepest meaning of the Shabbat.
Similarly, the laws of kashrut. After all, the Torah itself expresses the prohibition of mixing meat and milk with the compassionate command "Thou shalt not seethe a kid in its mother's milk" (Exodus 34:26) and the necessity of salting and soaking meat to remove most of the blood because "the blood is the life" (Deuteronomy 12:23).
Hence the to and fro movement throughout the portion of Mishpatim between the ethical and the ritual: They are intertwined, with the bottom line being compassion and sensitivity for all of God's creatures.
And this is precisely as it should and must be. When Moses made of God the request of requests, "Reveal to me your glory" [the secret of your ways] (Exodus 33:18), God responds:
"The Lord, the Lord is a God of compassion and beneficence, long suffering, replete with loving-kindness and truth…" (Exodus 34:6)
Our sages teach us, "Just as God is compassionate, so must we humans be compassionate – because we are created in His image and we are commanded: 'You shall walk in His ways [1]"'.
Indeed, the very term "halakha"[2] is most probably derived from the command of walking in God's ways. Hence every ritual, such as prayers and blessings, which brings me close to God must, at the same time, bring me closer to an emulation of His ways, make me become more compassionate and loving, more sensitive in my human relationships.
Conversely, if my behavior towards my fellow human helps me understand the part of God within every human being, then it is clear that the laws between humans will likewise bring me closer to God. Ultimately, these two dimensions are spokes on the same wheel, creating a magnificent human and cosmic unity. The commandments are there to help me see that godliness exists in every aspect of existence, and the goal of all the mitzvot is to create a more compassionate and sensitive human being to help bring about a world of peace and harmony. Hear O Israel the Lord our God the Lord is One. Just as God is One, so the

purpose of His Torah and His commandments are one: to make all of humanity – indeed all of creation – one, the one in the One.

[1] Maimonides, Mishneh Torah, Laws of Knowledge, 1:10

[2] This is the Hebrew word for "Jewish Law," from the root halakh (to walk).

Parsha Insights

By Rabbi Yisroel Ciner

Parshas Mishpatim

The True Value of Five Times

This week's parsha, Mishpatim, begins "V'aileh hamishpatim–And these are the commandments." Rashi explains that our parsha begins with the word 'and' in order to connect these laws to the aforementioned Aseres Hadibros {Ten Commandments}. This teaches that all of the commandments were from Sinai. Even the seemingly mundane laws have the raw power and energy to transform and elevate the person and bring him close to Hashem.

When discussing the laws of a thief's compensatory payment the Torah teaches: "If a man steals an ox or a sheep and slaughters or sells it, five oxen he will pay for the ox and four sheep for the sheep. [21:37]"

At first glance, it would seem a bit difficult to see, within this commandment, the intense spiritual potential to draw close to the Creator, but let's look a little further.

Rashi brings two opinions as to why the payment is five times the ox but only four times the sheep.

Rabi Yochanan ben Zakai explained that by the ox, the thief was able to lead his booty away in a relatively dignified manner. By the sheep, however, he had to somewhat humiliate himself by making his getaway carrying it on his shoulders. That embarrassment is a part of his 'payment' and he therefore only pays four and not five times the amount that he stole.

Rabi Meir looked at this passuk {verse} and saw the great importance that the Torah attaches to honest work. By stealing an ox, the thief caused the owner to be unable to plow his field and earn his livelihood–for that he must pay five times the amount stolen. By stealing a sheep, on the other hand, he wasn't impeding the owner's ability to work. He therefore only pays four times the amount stolen.

The value of an honest living…

I recall how as a young boy, my father, hk"m, would take me along when he would visit patients in their homes, often in extremely poor neighborhoods. Before we would go into the home he would stress to me that they are very poor but work hard and honestly to earn their money. "Always respect someone who works hard and earns an honest living," he would tell me over and over.

It didn't matter what a person's job was. When I would accompany him to Long Island University where he was a professor for close to thirty years, he would introduce me to the custodians the same way that he introduced me to the deans and department heads. "Always respect someone who works hard and earns an honest living…"

My sister told me a story that was very revealing. There is a teenage girl who would clean off the tables at a pizza place near where my father z"l lived in Florida. He would love to take the grandchildren there to eat. When this young lady heard of my father's passing, she began to cry. "Whenever he would come here, he would ask how I was, ask about my family and thank me for cleaning off the tables."

The Mishna [Avos 4:1] teaches: Who is honored? He who honors others. For many people this becomes an arduous task. We don't necessarily see the great value in others but we nevertheless try to fulfill the words of the Sages and honor all people.

Others of a greater stature, however, can look at a teenager working in a pizza place, understand that she probably has many friends who are on the streets and genuinely respect her for working hard and earning an honest living. I'd imagine that that is the true intent of the Mishna–to recognize the value that can be found in individuals and as a result, sincerely honor them. People are sensitive and know if they are being genuinely honored–anything short of that would fall short of what the Sages called "He who honors others."

Once one has taught oneself to focus on the value in others, even when there seems to be other aspects in those individuals that might not be so commendable, one can then move on to the next step. To weather the difficulties and challenges that arise through life, at first seeing the good in what Hashem has granted and then accepting that ultimately we will understand how even the painful tragedies were actually a blessing.

But only by internalizing the 'mundane' law of paying five times for an ox…

Good Shabbos,

Yisroel Ciner

L'iluy nishmas Avi Mori Asher Chaim ben Tzvi, hk"m. TNZB"H

Drasha

By Rabbi Mordechai Kamenetzky

Parshas Mishpatim

Sealed and Delivered

This parsha is called Mishpatim. Simply translated it means ordinances. The portion entails laws that deal with various torts and property damages. It discusses laws of damages, of servitude, of lenders and borrowers, employers and laborers, laws of lost items and the responsibilities of the finder. Many of these mitzvos that are discussed in the section of Shulchan Aruch Choshen Mishpat. But there are quite a few mitzvos mentioned that engage the purely spiritual quality of the Jew. Some of them deal with kosher restrictions, others with our relationship with the Almighty.

One verse that deals with the requirement of shechita (ritual slaughter) begins with a prelude regarding holiness. "People of holiness shall you be to Me; you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it (Exodus 22:30). The question is simple. There are many esoteric mitzvos whose only justifiable reason is spiritual. Why does the Torah connect the fact that Jews should be holy with their prohibition of eating meat that was torn as opposed to ritually slaughtered? There are myriad mitzvos that require self-control and abstention. Can there be another intonation to the holiness prelude?

(I heard this amazing story a number of years ago from a reliable source; I saved it until I was able to use it as an appropriate parable to answer a scriptural difficulty. I hope that this is it!)

Dovid, a serious yeshiva student, boarded the last flight out of Los Angeles on his way back to his Yeshiva in New York. He was glad that they were going to serve food as he had left his home in a rush and did not get a chance to eat supper. Sitting next to him on the airplane, was a southern fellow who knew little about Judaism, and considered Dovid a curiosity. As the plane flew eastward, he bantered with Dovid about Jews, religion and the Bible, in a poor attempt to display his little bits of knowledge. Hungry and tired Dovid humored him with pleasantries and not much talking. He was pleased when his kosher meal was finally served. The kosher deli sandwich came wrapped in a plastic tray, and was sealed with a multiple array of stickers and labels testifying to its kosher integrity. His new-found neighbor was amused as Dovid struggled to break the myriad seals and reveal the sandwich, which unbelievably looked just as appetizing as the non-kosher deli sandwich the airline had served him.

"Hey," he drawled, "your kosher stuff doesn't look too bad after all!"

Dovid smiled and was about to take his first bite into the sandwich when he realized that he had to wash his hands for the bread. He walked to the back of the plane to find a sink. It took a little while to wash his hands properly, but soon enough he returned to his seat. His sandwich was still on his tray, nestled in its ripped-open wrapping, unscathed.

And then it dawned upon him. There is a rabbinic ordinance that if unmarked or unsealed meat is left unattended in a gentile environment, it is prohibited to be eaten by a Jew. The Rabbis were worried that someone may have switched the kosher meat for non-kosher.

Dovid felt that in the enclosed atmosphere of an airplane cabin, nothing could have happened. After all, no one is selling meat five miles above earth, and would have reason to switch the meat, but a halacha is halacha, the rule is a rule, and Dovid did not want to take the authority to overrule the age-old Halacha.

Pensively he sat down, made a blessing on the bread and careful not to eat the meat, he took a small bite of the bread. Then he put the sandwich down and let his hunger wrestle with his conscience. “Hey pardner,” cried his neighbor, “what’s wrong with the sandwich?”
Dovid was embarrassed but figured; if he couldn’t eat he would talk. He explained the Rabbinic law prohibiting unattended meat and then added with a self-effacing laugh, “and though I’m sure no one touched my food, in my religion, rules are rules.”
His neighbor turned white. “Praise the L-rd, the Rabbis, and all of you Jewish folk!” Dovid looked at him quizzically.
“When you were back there doin’ your thing, I says to myself, “I never had any kosher deli meat in my life. I thought I’d try to see if it was as good as my New York friends say it is!
Well I snuck a piece of pastrami. But when I saw how skimpy I left your sandwich, I replaced your meat with a piece of mine! Someone up there is watching a holy fellow such as yourself!”
The Pardes Yosef explains the correlation of the first half of the verse to the second with a quote from the Tractate Yevamos . The Torah is telling us more than an ordinance. It is relating a fact. “If you will act as a People of holiness then you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it. The purity of action prevents the mishaps of transgressions. Simple as that. Keep holy and you will be watched to ensure your purity. Sealed and delivered.
Good Shabbos
Best wishes to the Bergman Family of Flatbush thank you for your kind compliments.

[CS Late breaking dvar torah
https://torahweb.org/torah/2025/parsha/rlop_mishpatim.html

Rabbi Ahron Lopiansky

Mishpatim: The Source of Civil Law

Civil law in Judaism seems to be mainly a rational process. True, there are some basic civil laws stated in the Torah, but most of the Talmudic discussions center around human reason and logic. As a matter of fact, the gemara (Bava Kamma 46b) uses the following expression as one of the most basic tenets of Jewish civil law: "why do we need a passuk if it is common sense?" We also find the commentaries (Rabbeinu Bachaya, Breishis 18:20) explaining why the people of Sdom were held accountable for their actions despite the fact that they did not have a Torah, nor commandments that had been imposed upon them. They explain that basic human decency and civil behavior is something that ought to be innate to a human being. The people of Sdom, not having this innate sense, were not deemed worthy of survival.

Yet when we look at the parsha of Mishpatim we find a very different perspective. The very first Rashi in Mishpatim explains that the letter vav in the word 'veilaeh' is there to teach us that the laws of Mishpatim, which are by and large civil laws, were given at Sinai.

Rashi also explains that the proximity of Parshas Mishpatim to the parsha dealing with building an altar is to teach us that the Sanhedrin [the High Court of Israel], needs to be located adjacent to the Beis Hamikdash. One understands that this is not simply a matter of decorum, but it is a statement about the conceptual proximity of the civil laws to the divine temple.

But perhaps the greatest indication of the connection between civil law and Hashem is from the next word, "that you shall place before them". Rashi, quoting the Talmud (Gittin 88b), says that one is prohibited to go to a court that is not religious in its nature even if it rules the same way regarding the particular litigation. Thus, despite the fact we're talking about a case where the Jewish beis din and the secular court will both rule exactly the same way, there is a very strict prohibition against going to the secular court. It is expressed in the following language: "a person who brings a case to a non-Jewish court is desecrating God's name and enhancing the name of the idols". This is really difficult to understand; If the purpose of civil law is to make sure that each person receives that which is rightfully his, then what difference does it make who the arbiter is thereof? Let us take an analogy. Nowadays we check a sefer Torah by a computer program. No one looks askance at i ; if anything, we feel it is more accurate. To be sure we look over all the problems that the computer flagged, and we double check that the computer is not in error. The computer, of course, cannot make the call of whether or not a problem invalidates the Torah. But as far as the technical determination of whether there are issues to examine goes, it does not make any difference. So, if the secular court will issue the same ruling, and the money goes to its rightful owners, why is that treated differently than checking a Torah?

The passuk which exhorts us not to twist and distort judgment states as the reason is that, "judgment is to G-d" (Devarim 1:17). In the context of the passuk it would seem as follows: the dayan is but the arbiter of a system whose validity is drawn from 'someone' outside of himself. He does not decide essentially what is right or wrong; Hashem is the one who establishes right and wrong. The dayan merely adjudicates and referees the particular event at hand and makes a decision of whether or not it fits certain criteria. This means that the 'right and wrong' and the 'good and the bad' of even those mitzvos that we consider graspable by the human mind, stem from a place outside of a human reason. It is Hashem's will and decision. This is not different at all then, for instance, the human measuring of lulav and aravos. The standard has been set by the Torah; we merely measure and determine whether or not this particular item fits the Torah standard.

This is what our parsha is trying to stress. The halachos of ownership of objects, the appropriate transfer of ownership, the responsibilities of transactional parties to each other, and the responsibilities to pay for various damages done, are anchored not in human reason sees but rather in Divine diktat.

However, it is true that human beings, being that they possess a divine soul, have an innate feeling for that sense of right and wrong. That is actually the reason why Sdom, who had no sense of that decency, did not deserve to live. Their actions and mindset demonstrated that they had no connection to a divine soul. But for everyone else - who does have that sensitivity - it is fundamental to understand that the validity of these laws and axioms is not because the human mind feels that way, but rather because it is Hashem's decision. We, with our spiritual intuition, are merely picking up on it.

It is true that the dayan uses his mind to discern the facts at hand and determine the application of the appropriate halacha. It is true that anything that we can derive with our minds by extrapolating logically from the Torah does not need a specific command. But the fundamental validity of it all is because of Hashem's will and wisdom. That is why this parsha was placed next to the parsha of the giving of the Torah. It is to tell us that despite the fact that all of these laws seem quite rational, and we use logic to determine their application, still the root of the halacha is G-d-given.

Thus, a person who brings litigation to a secular court is making a statement about what is the root of propriety and honesty. He is making a statement that the human being himself is the source of morality regarding civil law. That indeed is a desecration of Hashem's name. Our firmest belief is that right and wrong in all matters - both so-called religious and so-called mundane - are all divine in origin. We, as humans, have been given the privilege to participate in the application of the mishpatim, using our own mind to apply Hashem's emess to each and every case.]

Rav Kook Torah

Mishpatim: Following the Majority Opinion

A story is told about Rabbi Akiva in his early years — a young scholar, yet already wise beyond his age.

Rabban Gamliel, head of the Sanhedrin, hosted a gathering of scholars in Jericho. The guests were served dates, and Rabban Gamliel honored Rabbi Akiva with reciting the brachah achronah, the blessing after eating.

But there was a problem. Rabban Gamliel and the other sages disagreed about which blessing should be said after eating dates. Rabbi Akiva, without hesitation, recited the blessing — in accordance with the opinion of the other rabbis.

Rabban Gamliel was taken aback.“Akiva!” he exclaimed. “When will you stop butting your head into Halachic disagreements?”
With humility, Rabbi Akiva replied, “Master, it is true that you and your colleagues disagree on this matter. But have you not taught us that the Halakhah follows the majority opinion?”
In fact, it is hard to understand Rabban Gamliel’s reaction. What did he expect of Rabbi Akiva? Why was he upset?
Two Paths: Logic and Consensus
Jewish law offers two ways to resolve disputes. The first is through rigorous analysis — examining sources, weighing arguments, and seeking truth through reason.
But not every dispute can be resolved this way. Sometimes, logic alone does not yield a clear answer. When that happens, we turn to the second method: consensus. We follow the majority opinion — not because the majority is necessarily right, but because unity has a value of its own. Law cannot exist in perpetual uncertainty. If we are to walk a shared path, we must establish a standard, and the most widely held opinion is the logical choice.
Rabban Gamliel was critical of Rabbi Akiva because he thought the young scholar had the audacity to decide the matter himself. Therefore he castigated him, “When will you stop butting your head into these legal disagreements?” In other words, what makes you think you can use your ‘head’ — rely on your own powers of reason — to settle disputes where greater sages disagree?
But Rabbi Akiva had not presumed authority beyond his place. He had not ruled by his own logic but had upheld the principle the Torah itself commands: Acharei rabim lehatot — “Follow the majority” (Exodus 23:2).
Rabbi Akiva understood that wisdom is not only knowing when to lead, but also when to follow.

[CS Late breaking dvar torah
from: **Rabbi YY Jacobson** <rabbiyy@theyeshiva.net>
reply-to: info@theyeshiva.net
date: Feb 20, 2025, 7:21 PM
subject: **We All Have An Inner Thief; Make Sure He Pays You Double -** Essay by Rabbi YY
We All Have An Inner Thief; Make Sure He Pays You Double
When Your Inner Thief Steals Your Dignity, You Can Reclaim a Double Portion of It
By: Rabbi YY Jacobson
The Jewish Parrot
After his wife died, an old Jew received a parrot from his sons to keep him company. After a time, he discovered that the parrot had heard him pray so often that it learned to say the prayers. The old man was so thrilled he decided to take his parrot to the synagogue on the Jewish New Year of Rosh Hashanah.
The rabbi protested when he entered with the bird, but when told the parrot could "daven" (pray), the rabbi, though still skeptical, showed interest. People started betting on whether the parrot would pray, and the old man happily took bets that eventually totaled $50,000.
The prayers began, but the bird was silent. As the prayers continued, there was still not a word from the bird. When the prayers ended, the old man was not only crestfallen but also $50,000 in debt.
On the way home, he thundered at his parrot, "Why did you do this to me? I know you can pray; you know you can pray. Why did you keep your mouth shut? Do you know how much money I owe people now?"
To which the parrot replied, "A little business imagination would help you, dear friend. You must look ahead: Can you imagine what the stakes will be like on Yom Kippur?"
Double Compensation
This week's Torah portion, Mishpatim, which deals primarily with civil and tort law, presents the following law [1]:
"If a man shall give money or vessels to his fellow to safeguard, and it is stolen from the man's house, if the thief is found, he shall pay double."
Simply put, the Torah states here the law that a thief need not only compensate the victim for the loss; he is also given a penalty and is obligated to pay double the sum that he took.
Yet, a well-known axiom in Jewish thought is that every single passage in the Torah contains, in addition to its literal meaning, a psychological and spiritual interpretation.
The physical and concrete dimension of a mitzvah may not always be practically relevant, yet its metaphysical message remains timelessly relevant in our inner hearts and psyches.
What is the psychological interpretation of the above law?
The Human Custodian
"If a man shall give money or vessels to his fellow to safeguard," can be understood as a metaphor for the Creator of life entrusting each person with "money and vessels to safeguard." G-d grants each of us a body, a mind, a soul, a family, and a little fraction of His world's resources. He asks us to nurture them and protect them from inner and outer forces that threaten to undermine their splendor and wholeness.
Yet, each of us also possesses an inner "thief" who schemes to steal these gifts and use them in an inauthentic way. This "thief" represents the "destructive inclination"—yetzer hara, in Talmudic jargon—that exists within the human psyche and seeks to control my body and mind, hijacking these Divine resources and using them cheaply and superficially, abusing their identity, violating their integrity, and derailing them from their destiny and splendid mission, to channel the infinite Divine energy into our bodies and the world.
When an instinctive thought compels me to surrender to despair, to lose my temper, to binge, to gamble, to drink, to consume something destructive for my body, to fill me with anxiety, fear, envy, or insecurity, my inner "thief" has just "hijacked" part of my soul and my inner Divine and pure identity, making me believe that I am fragmented and disconnected.
When I lie for short-term convenience, or I numb my system to avoid living with full presence, my inner "thief" has robbed me from living in flow, using my energy and limbs to feed the "kelipa" energy, the husks and shells that obscure my inner infinite light. When I cheat in a business deal or behave dishonestly, when I surrender to gossip or slander, my inner "thief" manages to seize my beautiful energy and use it for something that is not real.
Apathy and Guilt
There may be those few individual saints who never fail to safeguard their sacred space.
Yet many of us are subjected to frequent or infrequent visitations by this little thief who conquers particles, chunks or seasons of our lives. How do we deal with it?
Some people feel that their battles against their inner thief are, in the end, destined for failure. They give up the fight, allowing the thief to take whatever he wants, whenever he wants. They develop a certain lightheadedness and cynicism toward living a life of dignity and depth.
Others, at the other extreme, become dejected and melancholy. Their failures instill within them feelings of self-loathing as they wallow in guilt and despair.
Judaism has rejected both of these notions since both deprive us of living life to the fullest, appreciating our sacred Divine core, and leading us into the abyss, one through carelessness and the other through depression [2].
The Majesty of Returning
The Torah, in the above law, offers instead this piece of advice: "If a man shall give money or vessels to his fellow to safeguard, and it is stolen from the house of the man, if the thief is found, he shall pay double." Go out, suggest the Torah, and find the thief. Then you will receive double what you possessed originally!
Here we are introduced to, subtly, the exquisite dynamic known in Judaism as teshuvah, or psychological and moral recovery.
Instead of wallowing in your guilt and despair, and instead of surrendering to apathy and cynicism, you ought to identify and confront your "thief," those forces within your life that keep derailing you.

Confront the pain and loneliness leading you to these thoughts and behaviors.

Then you will receive from the thief double the amount he took in the first place. The experience of falling and rebounding will allow you to discover your deepest beauty and light, and deepen your spirituality and dignity in a fashion double that of what it might have been without the thievery.

The Talmud[3] puts it thus: "Great is repentance, for as a result of it, willful sins are transformed into virtues." When you, sadly, fail and allow your life to go to shambles, but then confront the thief and reclaim your authentic life as your own, those previous failures bestow upon you a perspective, an appreciation, a depth, and a determination that otherwise would not have been possible.

By engaging in the remarkable endeavor of teshuvah, the sin itself is redefined as a mitzvah. Why? Because the very failure and its resulting frustration generate a profound and authentic passion and appreciation for the good and the holy [4].

The next time your inner thief hijacks your moral life, see it as a reclamation opportunity: reclaim your life with a double dose of light, love, holiness, and purity [5].

[1] Exodus 22:6. [2] See Tanya beginning of Chap. 1 about the danger of both of these paths. Cf. Tanya end of chapter 36. [3] Yuma 86b. [4] Tanya chapter 7. [5] This essay is based on Or Hatorah Parshas Mishpatim vol. 4 p. 1050. Sefas Emes Parshas Mishpatim, in the discourses of the year 5635 (1875.) Or Hatorah was authored by Rabbi Menachem Mendel of Lubavitch, the Tzemach Tzedek, third Lubavitcher Rebbe (1789-1866). The Sefas Emes, a Chassidic work on the Pentateuch, was authored by the second master of the Chassidic dynasty of Gur, Rabbi Yehudah Leib Alter (1847-1905). See there for the spiritual explanation behind the following verse: "If the thief is not found, then the householder shall approach the court that he had not laid his hand upon his fellow's property." (In other words, if the custodian (who is unpaid) claims that he is not responsible for the loss of the object since it was stolen, he must come to court to swear that.]

Airplane Mode While on the Ground
By Rabbi Efrem Goldberg

When I meet with people in my office, I leave my phone on my desk, behind us and out of reach. This week during a meeting, my phone rang. As I was apologizing and reaching to turn it to silent, one of the people I was meeting with shared that he left his phone at home for this meeting. Just those words, "I left my phone at home," startled me. Turning it to airplane mode, leaving it in the car, I can understand, but the discipline, self-control, and courage to leave it at home truly impressed me. He did it so he could be fully present, invested in our conversation, and that meant something to me.

In May 2023, best-selling author Simon Sinek was giving a presentation at the Banca Mediolanum National Convention in front of an audience of thousands. In the middle, he had someone come to the stage and hand him his cell phone which he simply held in his hand. A moment later he shared:

I just want to show you something. This is the psychological power of the device. What if I was sitting here talking to you holding my phone? It's not buzzing it's not beeping, no one's calling me, I'm just holding it. Do you feel like you are the most important thing to me right now?

No, you don't. That's the association. So when we show up for a meeting or we sit down for dinner with our families and we put the phone on the table, it sends a psychological message to everyone sitting there that you are not the most important thing to me right now. And putting the phone upside down is not more polite. Put into the airplane mode to take away the temptation that something's coming in. And put it in a bag or on a shelf out of sight.

This is how we should be interacting with people, giving them our full attention, because the idea is not that we hear the words they say but that they feel heard and this is one of the tricks.

If you wake up in the morning and you check your phone before you say good morning to the person sitting next to you, you probably have a problem. If you have to take your phone from room to room, no matter where you go, you probably have a problem. And just like any recreational drug, the more you practice leaving it away, for example if you go out for dinner, you don't need four telephones. Leave one at home leave one in the car, you have one with your spouse, it's fine. if you have a client meeting leave it in the car, leave it in the bag, never take it out and it becomes easier and easier and you find it easier not to be sucked in by the by the fear mongering as well. So like any addiction, it just takes a little work.

It is hard to compete with a ringing phone or a person scrolling while we are talking to them but it turns out that someone simply holding their phone signals to us that we are competing for attention and focus.

While the proliferation of technology and the distraction that comes with it is fairly recent, the struggle with being fully present is not a new phenomenon.

In our parsha, Hashem invites Moshe to come up on Har Sinai and says: "Alei eili ha'harah veheyei sham, Ascend to Me to the mountain and be there." Commentators are bothered by the seemingly superfluous phrase in Hashem's invitation to Moshe. After Moshe is directed to ascend the mountain, it surely was unnecessary for Moshe to also be directed "veheyei sham," and "be there." Obviously, once Moshe ascends the mountain he will necessarily be there.

Rashi, in his usual style, answers very succinctly. Why remain there – two words says Rashi, "mem yom." Hashem wanted Moshe to know that it wouldn't be a quick visit, up the mountain and down the mountain. Rather, veheyei sham, Hashem told Moshe pack for a forty-day stay.

But perhaps the pesukim are messaging the following contemporary lesson: Hashem, as it were, summons Moshe up the mountain. "Come Moshe," says Hashem. "I am the infinite, omnipotent and eternal Being. I seek to share with you the truth and mysteries of the universe." Moshe climbs the mountain as directed, and Hashem then says "Moshe, I recognize how many congregants, disciples and followers are emailing and texting you. I know how many responsibilities are demanding your immediate attention. However, when you are with Me, I expect you to disconnect entirely and actually be with Me."

Veheyei sham, "be there," means "be in the present." Don't be distracted, interrupted or unfocused. Hashem is telling Moshe that He does not want to compete for attention, even for the most noble of distractions, such as caring for the Jewish people. "Put them aside when you are with Me, and be with Me." Kenneth J. Gergen, a psychologist and professor at Swarthmore College, has coined the phrase "absent presence," the experience of being totally absent in spirit, even when physically present in body. The Torah is teaching that absent presence is unacceptable; it is antithetical to healthy relationships.

Technology introduces a constant and consistent diversion from living a life of veheyei sham, from being fully, spiritually present in whatever conversation, activity, event, davening, or learning we are supposedly engaged in. Unfortunately, people experiencing absent presence can be observed everywhere: in our homes, in the workplace, on public transportation, at doctors' offices or when simply walking down the street. Nevertheless, we must consider absent presence to be intolerable. Being in a state of absent presence is essentially a form of cheating on one's spouse, neglecting one's children or simply being unfair to one's co-workers or chavrusa. Most of all, however, one who is absent present is suffering a life devoid of mindfulness, consciousness, and presence.

We cannot resign ourselves to viewing absent presence as an unavoidable consequence of 21st-century living. It is critical that we always retain the capacity to disconnect from technology at will. Only those who can disconnect at will really own their technology, rather than being owned by it.

I once took a tour of the West Wing of the White House. I noticed a container outside of the Situation Room with numerous slots. I asked what the container was for and was told that everyone, regardless of rank or office, must deposit their devices into the container before entering the Situation Room. What is being addressed in that room is simply too important to risk distractions.

The Mikdash Me'at, the Sanctuary of our Shuls, is our spiritual Situation Room. There continue to be too many incidents of phones ringing or beeping in the middle of davening. A personal pledge not to bring our cell phone into Shul, let alone ever take it out of our pocket, would yield

immediate benefits to our concentration in prayer, to the atmosphere of our minyanim, and, most of all, to our creating sacred space in which we truly disconnect from our mundane life and focus on developing our relationships with Hashem.

Our family relationships are also invaluable, and also require effort and focus. Often, couples try to spend quality time together, but in fact are only physically in close proximity while their minds are on whomever or whatever they are addressing on their devices. Families would do well to introduce an inviolate rule that electronic devices cannot be brought to the family dinner table. In so doing, both parents and children would be much more present. Similarly, relationships would surely benefit from a practice of leaving devices in the car, or placing devices in the middle of the table, when a couple is on a shidduch date, or on a married couple's night out or even talking at day's end.

If we can develop a ritual of taking out our phone and putting it on airplane mode before minyan begins or as we sit down with someone who deserves our attention, it will not only eliminate distraction and interruption, but also reflect and signal a deep devotion to the relationship. We can only climb the mountains of our lives to enjoy and appreciate the high moments within each day if we are prepared to veheyei sham, to truly be present.

Perceptions

By Rabbi Pinchas Winston

Parshas Mishpatim

Good Education

Chinuch is everything. Life is an educated guess, and the more educated you are, the less you have to guess what to do. It is certainly harder to get out of bed in the morning with any kind of bounce in your step if you are uncertain about the meaning of what you plan to do that day. The last thing a person wants to do is get to the end of life and question how they spent it.

The urgency for good chinuch—education—is made even clearer when you consider what we're selling: 613 mitzvos. We're basically telling every child that they can either have what is behind Door #1, a secular life that includes limited moral responsibility and a lot of fun and excitement, or what's behind Door #2, 613 commandments, a Torah education that is never supposed to end, and reward for which will be in a world they can't yet see.

In the beginning of a frum child's life it is not so hard. The expectations are still relatively few, isolation from the outside world is more controllable, and familial and peer pressure still has impact. But as the child grows up and becomes increasingly more independent and exposed to the outside world, the challenges begin. Seichel has still yet to play a central role in their decision-making process, even after becoming a "Bar Da'as" at Bar Mitzvah.

I go to shul very early in the morning, including on Shabbos. I often see groups of young men and women who did not make it through. I don't know at what age they succumbed to the temptations of Door #1, or if anything about Door #2 ever appealed to them. But the choice they have made is clear and set them on a path in the opposite direction of Torah and mitzvos.

Tragic? Of course. This world will end one day and be replaced by the next one, the World to Come, in whatever form it takes. Where a person ends up in that world depends entirely upon where they ended up in this world, spiritually speaking. It is an eternal world, which means we'll have to live with the consequences of our decisions for a very long time. In this temporal world of ours, consequences come and go all the time.

The good news is that our "final resting place" in Eternity will not be the result of only one lifetime, but the result of all of our lifetimes. As mentioned in last week's parsha, reincarnation is very much a Jewish thing, and the Zohar discusses it in detail on this week's parsha. No one is here for the first time and it is more than likely they have been here several times already, which might explain some of that extra fatigue we sometimes feel (not really).

So a person might have been a tzaddik a few times already in previous lifetimes, and not being one in their current life doesn't wipe that away. Besides, for all we know, God set them up to become this way now to complete a mitzvah while not very religious because of the additional challenge it creates. When we return, it is usually to fix up sins from previous gilgulim, or to perform others that we never fulfilled.

Does knowing this change what a parent feels when they see their child, God forbid, turn their back on a life of Torah and mitzvos…and the World to Come? Not at all. Does it lessen responsibility to make sure our children are getting quality chinuch? How can it? As Rashi explains on the first few verses of the parsha, we have a separate obligation to provide "good" chinuch.

Last Shabbos while waiting for members of my chaburah to arrive, I read some of Feldheim's book on the life of the legendary Rabbi Aharon Kotler, zt"l. Among the many amazing things I saw and learned, one was about the need for honest communication. But the rabbi's explanation of honest communication to a shadchan was not what I expected.

They were talking about the shidduch of a twenty-eight year-old man with a twenty-seven year-old woman. After hearing that the man had rejected the shidduch, Rabbi Kotler asked, "How old did you say the woman was?" to which the shadchan answered, "Twenty-seven." The rav then said, "But she is not!" "But she is!" the shadchan defended. "I know it for a fact!" Rabbi Kotler then explained, "When you tell a twenty-eight year-old man that a woman is twenty-seven years old, he hears thirty years old. You should have told him a younger age. The accuracy of communication also depends upon what the listener hears!"

Likewise, the accuracy of education is not only about the information being taught. It is mostly about, at least in the early years, what is being heard by the student. If love of learning Torah and the performance of mitzvos doesn't come over with the message, the children instead hear the opposite. And when that happens, can we really expect them to pass up the very appealing fruit of the "Tree of Knowledge of Good and Evil" for the hidden fruit of the Tree of Life (Torah)?

This is why the word for education—chinuch—is similar to the world chanukah—dedication, the root of both being the word chayn. Everybody will dedicate themselves to something that inspires them to get out of bed each morning. A child is far less impressed by knowledge than they are by a parent's or teacher's passion for a life of Torah and mitzvos.

Rabbi Yissocher Frand

Parshas Mishpatim

Eved Ivri: Rehabilitation, Not Just Reimbursement

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: # 1325 Finding a $20 Bill in Shul / Finding A Comb in a Mikvah: Can You Keep It? Good Shabbos!

Parshas Misphatim begins with the eved Ivri (Hebrew slave). A person who stole, and who could not make proper restitution for the stolen items, is sold as an eved Ivri. The proceeds of the sale are used to pay back the victim of his robbery. Even though he is a full-fledged Jew, his master has the right to give him a shifcha Canaanis for the purpose of fathering children, who will all belong to the master.

There are several halachos regarding the treatment of an eved Ivri. The Gemara in Kiddushin says that the food and drink served to an eved Ivri must match the food and drink served to the master. This means that if the master eats steak for supper, the eved Ivri needs to be served steak. He is not a second-class citizen. He is treated like any other member of the family. Likewise, it is forbidden for the slave owner to sleep on a deluxe mattress and expect his slave to sleep on straw. What you eat, he eats. Where you sleep, he sleeps. The Gemara famously concludes that whoever purchases an eved Ivri has, in effect, purchased a master for himself (Kiddushin 20a).

Tosfos there bring a fascinating Talmud Yerushalmi, which states that if the household only owns one pillow, the master has no choice but to give the pillow to his eved Ivri, rather than take it for himself. He can't even say "neither of us will use the pillow." Why is this the case? It is because we need to be sensitive to the feelings of the eved. The master is

a free man. He does not suffer from a persecution complex or feel discriminated against. If he needs to sleep without a pillow, then – nu – he sleeps without a pillow. The eved, on the other hand, will feel persecuted and discriminated against if he sleeps without a pillow. We can't let him feel that he is being degraded. "Ki tov lo imach" (for it is good for him by you) (Devarim 15:16)!

All this brings us to the following question: If we need to treat our avadim (plural of eved) with such utmost respect, how is it that the Torah allows us to provide him with a shifcha Canaanis? Is that not degrading? Will that not make him feel that he is somehow of lower stature? The same person who we are so worried about that at supper time he needs to have steak just like his master, now at night should live with a shifcha Canaanis! Why is that alright?

Then, even more difficult than the fact that he produces slaves for his master is the fact that after working for the master for six years, he is told that he needs to leave the master's home but his 'wife' and kids stay with the master! Is that treating the eved with honor and respect? Certainly not! He is treated like chattel!

Rav Matisyahu Solomon once said in the name of 'chacham echad' that what we are trying to do over here is to rehabilitate this eved Ivri. We are trying to send him a message: Don't ever steal again. When a person steals, he steals for money. He takes someone else's property. But he also fails to realize the emotional attachment that the victim has to the item he is taking.

For example, our wives light Shabbos candles with their special Shabbos leichter (candlesticks). How would they feel if someone stole their Shabbos leichter? They would be devastated. Women have a strong attachment to their Shabbos leichter. My wife has her mother's Shabbos leichter. Shabbos candles have been lit on those candlesticks in her family for who knows how many decades. My wife has a strong emotional attachment to those candlesticks and would be devastated if they would be taken from her. It would not be just a monetary loss. The insurance would pay that back, but these are my leichter!

There are some things (like random pens) that we may not mind at all if someone takes and doesn't return. There are other things (like a car) that the hassle involved in submitting an insurance claim and needing to look for a new car would make us very upset, but ultimately, we would get over such a loss. However, for instance, I have a Seder plate that was my father's Seder plate. I am attached to it. It is an heirloom! If chas v'shalom someone came into my house and stole it, it is not only a monetary loss. It is an emotional punch in the stomach.

When a person steals, he fails to take that into account. He is not just taking away money. He may be stealing items to which the victim has a strong emotional attachment. How do we teach a person never to do that again? We teach him by having him establish a strong emotional attachment – to a shifcha Canaanis, with whom he lives with for six years, and to his sons and daughters that he has brought into the world and raised with this shifcha Canaanis, and then, at the end of the six years, guess what? He needs to leave his wife and his children. On a smaller level, that is what he did to the person from whom he stole. We want to teach him that he lacked the sensitivity to the reality that people can become attached to things.

The point of the service of an eved Ivri is not merely punishment or reimbursement. This status as an eved Ivri is meant to be rehabilitative. We are teaching a lesson: When the Torah says Lo sigzol (Don't steal!), it is not just about money. There is attachment and there is sensitivity, which you failed to recognize.

Perhaps we can ask that the eved Ivri can avoid this lesson by using another option: He can say: "I love my wife and my children. I want to stay with my master." In that case, there is another way of teaching him. We take him to the doorpost and we put a peg through his ear. He failed to hear the commandments against theft (Lo signov; Lo sigzol) on Har Sinai. There are two ways of teaching him this lesson of how destructive it is to steal:

Number 1 – We teach him what it means to be attached (by letting him marry and raise children and then taking his wife and kids away from him).

Number 2 – We put a peg through his ear, which is not a pleasant experience. There is no anesthesia when we do that. We do it because he needs to remember what he heard (at Sinai). Apparently, he didn't hear when the Almighty commanded Lo sigzol.

This also answers another question. Why do we wait six years to put the peg through his ear? The person who violated Lo sigzol did so more than six years earlier. Why don't we send him this message immediately? You didn't hear the command not to steal on Sinai: We are going to teach your ear a lesson!

The answer is that this is a punishment of last resort. We prefer to teach him the lesson of what it means not to steal by his master giving him a shifcha Canaanis and letting the children stay with the master. Now, if after six years he still hasn't learned that lesson, we have no other choice. But now the only way we can teach him the lesson of what it means to listen to Lo sigzol, is by piercing his ear.

Chief Rabbi Mirvis

Mishpatim To See or Be Seen...?

Do you come to shul to see or to be seen? In Parshat Mishpatim, the Torah presents us with details relating to the Shalosh Regalim, the three pilgrim festivals, and the key term there is: "Yera'eh"—he shall be seen.

That is: to be seen in Yerushalayim for these momentous occasions. However, the Mishnah in Masechet Chagigah points out that "Yera'eh" has the same spelling as "Yireh." One means he shall be seen, while the other means he shall see.

From here, our sages learn that in order to fulfil this mitzvah, a person must be able to see—must be capable of visualising what is in front of them.

And so, very sadly, the Mishnah rules that a blind person is exempt from this mitzvah. Temple—in its absolute greatest glory.

The Rambam asks: What about a person who is blind in one eye? His answer is that such a person is also exempt, because one must have full clarity of vision to appreciate the city of Yerushalayim in its full splendour, the Beit Hamikdash—the As far as the Temple was concerned, it was important not only to be seen but also to see. This concept applies to many aspects of life.

Why do we attend events? Sometimes, people go to an event simply to be seen. They may not be particularly interested in attending, but if it's a simcha—a happy occasion for friends or family— they want to show their loyalty and support, to be part of the numbers. The same applies to communal gatherings. But ideally, one should attend an event not just to be seen but to see—to fully engage, to absorb, to experience the moment. This is exceptionally relevant when it comes to attending shul services.

Many wonderful people attend out of a sense of duty and loyalty, because it's the right thing to do, because they want to be seen. But it is far more meaningful to come because one truly wants to be there, because missing out would feel like a loss. A shul should have a magnetic pull. Its services should be uplifting, appealing, life-shaping, and even life-changing. This is also a message for those responsible for creating and running synagogue services. We should not only be catering to those who attend in order to be seen, but primarily to those who come to see—to visualise, to experience, to connect, and to enjoy. We must ensure that our synagogue services are spiritually engaging and inspiring, occasions about which people will say: "I want to be there, because if I'm not, I'll be missing out."

So, when it comes to shul services, let us strive, please God, to create an environment where people don't just come to be seen, but also to see. Shabbat Shalom.

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PARSHAT MISHPATIM [shiur # 1]

WHEN DID BNEI YISRAEL SAY 'NA'ASEH VE-NISHMA'?

When did Bnei Yisrael declare 'na'aseh ve-nishma'?

Most of us would probably answer: **before** they received the Ten Commandments (Rashi's opinion / and most of all elementary school teachers). However, many other commentators (including Ramban) disagree!

In the following shiur, we will uncover the source of (and the reason for) this controversy.

WHERE DOES PARSHAT MISHPATIM REALLY BEGIN?

Recall from Parshat Yitro that after Bnei Yisrael heard the Ten Commandments **directly** from God, they were overcome by fear and asked Moshe to act as their **intermediary** (see Shmot 20:15-18).

The result of this 'change in the plan' (i.e. from 'directly from God' to transmission via Moshe) becomes apparent in the very next pasuk. Note how the next 'parshia' (i.e. 20:19) begins as God commands Moshe (now acting as His intermediary) to relay an **additional** set of mitzvot to Bnei Yisrael:

> "And God said to Moshe: "Ko tomar el Bnei Yisrael... "
> [Thus **you** shall **say** to Bnei Yisrael:]
> * "You saw that I spoke to you from the Heavens.
> * Do not make any idols of Me...
> * An altar made from earth you shall make for Me..."
> (see 20:19-23).

However, this set of commandments that began with 'ko tomar' does not end here with the conclusion of Parshat Yitro. If you follow these psukim carefully, you'll note how these mitzvot continue directly into Parshat Mishpatim with:

> "And these are the **mishpatim** (rules) that you shall set before them..." [see 21:1 / see also Rashi & Ibn Ezra].

In fact, this set of laws that began with 'ko tomar' continues all the way until the end of chapter 23! It is only in 24:1 where this long quote (of what Moshe is instructed to tell Bnei Yisrael) finally ends. At that point, the Torah then resumes its narrative by describing the events that take place at Har Sinai.

Based on this simple analysis, we have basically identified a distinct unit of 'mitzvot' [from 20:19 thru 23:33) embedded within the story of Ma'amad Har Sinai.

In the following shiur, we will show how the identification of this unit can help us understand the controversy concerning when the story in chapter 24 takes place.

> [In our next shiur, we will return to discuss the content of this special unit, which contains not only the dibrot, but also a select set of mitzvot.]

WHAT MOSHE DOES WHEN HE RETURNS

Considering that this unit began with God's command to Moshe of: 'ko tomar' [thus you shall say to Bnei Yisrael]; once the quote of those mitzvot is complete (i.e. at the end of chapter 23), we should expect to find a narrative that tells us how Moshe fulfilled this command by telling over these mitzvot to Bnei Yisrael.

And indeed, this seems to be exactly what we find in the beginning of chapter 24:

> "... And Moshe came [back down from the mountain] and **told** the people all the **divrei Hashem** (God's words) and all the **mishpatim**" (see 24:3).

If 'divrei Hashem' refers to the laws in 20:19-22, and 'ha-mishpatim' refers to the laws that continue in Parshat Mishpatim (see 21:1), then this pasuk is exactly what we're looking for!

However, as you probably noticed, there is one minor problem. We would have expected this sentence (i.e. 24:3) to be the **first** pasuk in chapter 24; but instead it is the **third**. For some reason, what should have been the opening pasuk is preceded by a short recap of another commandment that God had given Moshe:

> "And Moshe was told to ascend the mountain [to God] with Aharon, and Nadav & Avihu, and the seventy elders to bow at a distance, after which Moshe himself will approach closer, while the others will not ..." (see 24:1-2, read carefully).

It is important to note that 24:2 forms the continuation of God's command that began in 24:1 - and is **not** a description of what Moshe did after that command! In other words, these psukim describe some sort of ceremony that God had commanded Moshe to conduct at Har Sinai. The question will be: When did this ceremony take place, and why?

Even though the meaning of these psukim (i.e. 24:1-2) may first seem unclear, later in chapter 24 we find precisely what they refer to:

> "Then Moshe, Aharon, Nadav & Avihu, and the seventy elders ascended the mountain, and they 'saw' the God of Israel..." (see 24:9-11).

Therefore, to determine what Moshe is 'talking about' in 24:3, we must take into consideration not only the 'ko tomar' unit (20:19-23:33) that he was commanded to convey, but also this ceremony where he and the elders are instructed to ascend Har Sinai and bow down from a distance, as 'parenthetically' described in 24:1-2.

RAMBAN'S APPROACH [the 'simple' pshat]

Ramban explains these psukim in a very straightforward manner. He keeps chapter 24 in its chronological order, and hence understands 24:1-2 as an instruction for Moshe to conduct a ceremony immediately after he relays the mitzvot of the 'ko tomar' unit.

Therefore, when "Moshe came and told the people the **divrei Hashem** and all the **mishpatim**" (see 24:3), the 'divrei Hashem' and 'mishpatim' must refer to what was included in the 'ko tomar' unit. Hence, Ramban explains that 'mishpatim' refers to the 'mishpatim' introduced in 21:1, while (by default) the 'divrei Hashem' must refer to all the other 'mitzvot' in this unit that do not fall under the category of 'mishpatim' (surely 20:19-22, and most probably some of the laws and statements in chapter 23 as well).

As Bnei Yisrael now hear these mitzvot for the first time, they immediately confirm their acceptance:

> "... and the people answered together saying: '**All** that God has commanded us - na'aseh - we shall keep" (24:3).

Even though Bnei Yisrael had already proclaimed 'na'aseh' before Matan Torah (see 19:5-8), this second proclamation is necessary for they have just received an additional set of mitzvot from God, even though it had been conveyed to them via Moshe.

THE CEREMONY

It is at this point in the narrative that Moshe begins the 'ceremony' that was alluded to in 24:1-2. Let's take a look at its details.

First, Moshe writes down the 'divrei Hashem' (see 24:4) in an 'official document' - which most all commentators agree is the 'sefer ha-brit' described in 24:7. Then; he builds a 'mizbeiach' [altar] and erects twelve monuments (one for each tribe) at the foot of the mountain. These acts are in preparation for the public gathering that takes place on the next day - when Bnei Yisrael offer **olot** and **shlamim** on that alter (see 24:5-6).

The highlight of that ceremony takes place in 24:7 when Moshe takes this 'sefer ha-brit' - and reads it aloud:

> "... Then Moshe took the sefer ha-brit and read it aloud to the people, and they answered: Everything which God has spoken to us - **na'aseh** ve-nishma [we shall keep and obey] (24:7).
> [Later in the shiur we will discuss what precisely was written in this **sefer ha-brit** and **why** the people respond 'na'aseh ve-nishma'.]

As a symbolic act that reflects the people's acceptance of this covenant:

> Moshe then took the blood [from the korbanot] and sprinkled it on the people and said: This is the **dam** ha-brit - blood of the **covenant**... concerning these commandments..." (24:8).

As a symbolic act that reflects the national aspect of this covenant, the ceremony concludes as its official leadership ascends the mountain and bows down to God:

> Then Moshe, Aharon, Nadav, and Avihu, and the seventy elders of Israel went up (the mountain) and they saw the God of Israel... And upon the nobles of Israel He laid not His hand; and they beheld God, and ate and drank (24:9-11).

Clearly, this ascent by the elders fulfills God's command as detailed in 24:1. In this manner, God had instructed Moshe not only to convey a set of laws to Bnei Yisrael, but also to present them as part of national ceremony.

This seems to be a nice and simple interpretation for 24:1-11, and reflects the basic approach of Ramban, Ibn Ezra and Rashbam.

Yet despite its simplicity, Rashi (and most likely your first Chumash teacher) disagree!

RASHI'S APPROACH - LAST THINGS FIRST

Quoting the Mechilta on 24:1, Rashi claims that this entire ceremony - including Moshe telling over the 'divrei Hashem & mishpatim', writing down and reading the 'sefer ha-brit', and proclaiming **na'aseh** ve-nishma , etc. (i.e. 24:1-11) - all took place **before** Matan Torah, and hence **before** this 'ko tomar' unit was ever given to Moshe Rabeinu.

This conclusion obviously forces Rashi to provide a totally different interpretation for the phrases 'divrei Hashem & 'ha-mishpatim' in 24:3 and for 'sefer ha-brit' in 24:7 - for they can no longer refer to mitzvot in the 'ko tomar' unit.

At first glance, Rashi's approach seems unnecessary (and rather irrational). [Note how Ramban takes issue with this approach in his opening comments on 24:1!]

However, by undertaking a more comprehensive analysis, we will show how Rashi's interpretation is not only textually based, but also thematically quite significant.

Let's first consider some factors that may have led Rashi to his conclusion.

First of all, the very manner in which chapter 24 begins is quite peculiar - as it opens in 'past perfect' tense ["Ve-el Moshe amar..." - and to Moshe it was told (see 24:1), indicating that all of the events recorded in 24:1-11 may have occurred earlier. Furthermore, if chapter 24 is indeed a continuation of the 'ko tomar' unit, then 24:3 should have been the first pasuk (as we discussed above).

These considerations alone allow us to entertain the possibility that these events may have taken place at an earlier time. Recall however that the events that took place before Matan Torah were already described in Shmot chapter 19. Recall as well (from our shiur on Parshat Yitro) that chapter 19 contained numerous details that were very difficult to explain.

Therefore, Rashi's approach allows us to 'weave' the events described 24:1-11 into chapter 19, thus explaining many of the ambiguities in that chapter.

FILLING IN THE MISSING LINKS

For example, recall from 19:22 how God tells Moshe to warn the '**kohanim** who stand closer', yet we had no idea who these **kohanim** were! However, if the events described in 24:1-11 took place at that time (i.e. before Ma'amad Har Sinai), then clearly the **kohanim** in 19:22 refer to the elite group (Nadav, Avihu, and the seventy elders) singled out in 24:1 & 24:9 - who were commanded to 'come closer' - but not as close as Moshe.

Furthermore, this interpretation explains the need for the extra warning in 19:20-25 [what we referred to as the '**limitation** section']. Recall how the ceremony (described in 24:4-11) concludes as this leadership group ascends the mountain and actually 'sees' God (see 24:10). Nevertheless they are not punished (see 24:11). Despite God's leniency in this regard at that time, He must command Moshe before Ma'amad Har Sinai to warn both the people and the kohanim not to allow that to happen once again! [See 19:20-25.]

Rashi's interpretation carries yet another 'exegetic' advantage. Recall that Bnei Yisrael had already proclaimed 'na'aseh' in 19:7-8. If so, then there appears to be no need to repeat this proclamation in 24:3. However, if 24:3 takes place before Matan Torah, then 24:3 simply recaps the same event that already took place in 19:7-8.

Finally, Rashi's interpretation can also help us identify the '**heim'** mentioned in 19:13 - who are allowed to ascend Har Sinai once the Shofar sounds a long blast. Most likely, the '**heim'** are that very same elite group who are permitted to partially ascend Har Sinai during the ceremony (as described in 24:1-2, 9).

> [See Ibn Ezra aroch on 19:13, quoting this peirush in the name of Shmuel ben Hofni!]

These 'textual' considerations supply the 'circumstantial evidence' that allows Rashi to place the events of 24:1-11 within chapter 19, and hence before Matan Torah! With this in background, let's see how Rashi explains the details of 24:3 based on the story in chapter 19!

> And Moshe came [see 19:14] and told the people 'divrei Hashem' = the laws of 'prisha' [see 19:15] and 'hagbala' [see 19:12-13] and the 'mishpatim' = the seven Noachide laws and the laws that Bnei Yisrael received at **Mara** (see Shmot 15:25). [See Rashi on 24:3.]

In the next pasuk, Rashi reaches an amazing conclusion. Because these events took place before Matan Torah, Rashi explains that the 'divrei Hashem' which Moshe writes down in 24:4 [which later become the 'sefer ha-brit' that Moshe reads in 24:7] is no less than all of Sefer Breishit (and the first half of Sefer Shmot)!

How about Bnei Yisrael's reply of 'naaseh ve-nishma' (in 24:7)? Even though Rashi doesn't explain specifically what this refers to, since it was stated before Matan Torah, it clearly implies Bnei Yisrael's acceptance of all the mitzvot that God may given them, before they know what they are! Hence, this statement is popularly understood as reflective of a statement of blind faith and commitment.

Let's consider the thematic implications of Rashi's interpretation, for they are quite significant.

'WHY' BEFORE 'HOW'

Identifying Sefer Breishit as the 'sefer ha-brit' that Moshe reads in public (in 24:7) ties in beautifully with our discussion of the primary theme of Sefer Breishit. It should not surprise us that Chumash refers to Sefer Breishit as 'sefer ha-brit' - for this highlights the centrality of God's covenant with Avraham Avinu [i.e. **brit** mila & **brit** bein ha-btarim] as its primary theme.

But more significant is the very fact that God commands Moshe to teach Sefer Breishit to Bnei Yisrael **before** they receive the Ten Commandments and the remaining 'mitzvot' of the Torah. Considering that Sefer Breishit explains **how** and **why** Bnei Yisrael were first chosen, it is important that Bnei Yisrael must first understand **why**, i.e. *towards what **purpose*** - they are receiving the Torah, **before** they actually receive it. [This would imply that before one studies **how** to act as a Jew, it is important that he first understand **why** he was chosen.]

Finally, Rashi's interpretation (placing 24:1-11 before Matan Torah) adds tremendous significance to the nature of the three-day preparation for Ma'amad Har Sinai (see 19:10-16). Recall how chapter 19 described quite a 'repressive' atmosphere, consisting primarily of 'no's' [don't touch the mountain, don't come too close, wash your clothes, and stay away from your wives, etc.]. But if we weave the events in 24:1-11 into this three-day preparation, then what emerges is a far more festive and jubilant atmosphere, including:

* Torah study (see 24:3-4),
* A 'kiddish' i.e. offering (and eating) korbanot (see 24:5-6,11),
* A public ceremony [sprinkling the blood on everyone] - followed by public declaration of 'na'aseh ve-nishma' (see 24:7-8),
* The nation's leaders symbolically approach God (see 24:9-11). [What we would call today a full-fledged 'shabbaton'!]

YIR'A & AHAVA

Despite the beauty of Rashi's approach, one basic (and obvious) question remains: What does the Torah gain by dividing this story of Ma'amad Har Sinai in half; telling only part of the story in chapter 19 and the remainder in chapter 24? Would it not have made more sense to describe all of these events together in chapter 19?

One could suggest that in doing so, the Torah differentiates between two important aspects of Ma'amad Har Sinai. Chapter 19, as we discussed last week, focuses on the **yir'a** [fear] perspective, the people's fear and the awe-inspiring nature of this event. In contrast, chapter 24 focuses on the **ahava** [love] perspective, God's special closeness with Bnei Yisrael, which allows them to 'see' Him (see 24:9-11) and generates a joyous event, as they join in a festive meal [offering **olot** & **shlamim** (which are eaten) / see 24:5-6,11].

To emphasize the importance of each aspect, the Torah presents each perspective separately, even though they both took place at the same time. Recording the 'fear' aspect' beforehand, stresses the importance of the fear of God ['yir'at shamayim'] and how it must be the primary prerequisite for receiving the Torah. [See Tehillim 111:10: "reishit chochma yir'at Hashem".]

By recording the 'ahava' aspect at the conclusion of its presentation of the mitzvot given at Har Sinai, the Torah emphasizes how the love of God (and hence our closeness to Him) is no less important, and remains the ultimate goal. Hence, this 'ahava' aspect is also isolated, but recorded at the conclusion of the entire unit to stress that keeping God's mitzvot can help us build a relationship of 'ahavat Hashem'.

This lesson remains no less important as we adhere to the laws of Matan Torah in our daily lives. It challenges us to integrate the values of both 'yir'at shamayim' and 'ahavat Hashem' into all our endeavors.

shabbat shalom,
menachem

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FOR FURTHER IYUN

A. See Ramban on 19:5, especially "al derech ha-**emet**..."! Relate each part of this Ramban to the above shiur.

B. See Shabbat 88a, regarding the machloket when the **dibrot** were given. Relate this sugya to the above shiur.

C. Based on the structure of the 'ko tomar' unit, which is followed by 'brit na'aseh ve-nishma' and where Bnei Yisrael build a **mizbeiach** and offer **olot** & **shlamim**, explain why the primary mitzva in the opening section (i.e. 20:21-23) is "mizbach adama ta'aseh li..." [Does this insight support Rashi or Ramban's interpretation?]

D. Chizkuni, following Rashi, also explains that the covenant in chapter 24 takes place **before** Matan Torah. However, he explains that **sefer ha-brit** (in 24:7) is the **tochacha** in Parshat Behar-Bechukotai, even though it is only recorded much later in Chumash (see Vayikra chapter 26). According to Chizkuni, the **sefer ha-brit** explains how the **land** will serve as a vehicle to either reward or punish Bnei Yisrael, depending upon their observance or neglect of the mitzvot they are about to receive. (This peirush also neatly explains why the phrase "ki li kol ha-aretz" appears in 19:5.)

E. Note that Rashi's interpretation provides us with an excellent example of his exegetic principle of 'ein mukdam u-me'uchar' / see shiur on Parshat Yitro. Because of the many textual and thematic parallels between chapters 19 & 24, Rashi prefers to change the chronological order of the 'parshiot' so as to arrive at a more insightful interpretation. In contrast, Ramban prefers to keep these parshiot in chronological order.]

Note as well that according to Rashi, the entire **Ko Tomar** unit including the 'mishpatim') was given to Moshe Rabeinu during his first forty days on Har Sinai (see Rashi 31:18).

PARSHAT MISHPATIM - shiur #2

A SPECIAL UNIT / AN EDUCATIONAL PROGRESSION

What's better - Chumash or Shulchan Aruch?

The question really isn't fair, but anyone who has studied both books realizes how different they are.

As Parshat Mishpatim contains a set of laws that sounds a bit like Shulchan Aruch [the Jewish Code of Law], this week's shiur will analyze their progression, to show how the Torah delivers its message through the manner of their presentation.

INTRODUCTION

In last week's shiur, we began our discussion of how the laws in Chumash are presented in groups (or 'units'). For example, in Parshat Yitro, we saw how the first 'ten' Commandments were given as part of Ma'amad Har Sinai. Afterward, we identified the next 'unit' of mitzvot - which we referred to as the 'ko tomar' unit, beginning in 20:19, and continuing until the end of chapter 23 (which comprises most of Parshat Mishpatim). Later on in Chumash we will find many additional 'units' of mitzvot, embedded within its various narratives.

Because Chumash presents its mitzvot in 'units', we would certainly expect that the **first** 'unit', i.e. the one that follows the Ten Commandments, to be special. In our shiur, we undertake an analysis of the internal structure of this "ko tomar" unit, in an attempt to understand why specifically these mitzvot are recorded at this point, and in this manner.

SUB-DIVIDING THE UNIT

At first glance, these three chapters appear to contain simply a random set of laws, from all types of categories - as it jumps back and forth from "bein adam la'makom" [laws between man & God] to "bein adam l'chaveiro" [laws between man and his fellow man (or society)]. On the other hand, there does seem to be some very logical internal structure within certain groups of these laws, such as the civil laws in chapter 21.

To help make sense out of the overall structure of this unit, we begin by noting how the laws that both open and close this unit fall under the category of "bein adam la'makom".

Let's explain.

Recall how this "ko tomar" unit began (at the end of Parshat Yitro) with four psukim that discuss various laws concerning idol worship and building a mizbeiach [altar] (see 20:20-23). Clearly, this short 'parshia' deals with laws between man & God, and more specifically - how to worship (or not worship) Him.

Similarly, at the end of this unit, we find another set of laws that are "bein adam la'makom" - explaining how we are expected to worship God on the three pilgrimage agricultural holidays (the "shalosh regalim" / see 23:13-19).

[We consider these psukim the last set of laws, for immediately afterward (i.e. from 23:20 till the end of chapter 23) we find several conditional promises that God makes concerning how He will help Bnei Yisrael conquer the land, but the law section of this unit definitely ends with 23:19.]

In this manner, we find that this lengthy set of laws in Parshat Mishpatim is enveloped by a matching set of laws (20:20-23 & 23:13-19) that discuss how to properly worship God.

Inside this 'sandwich' we will find numerous laws (i.e. from 21:1 thru 23:12), however almost all of them will fall under the category of "bein adam la'chaveiro" - between man and his fellow man (or society).

The following table summarizes this very basic sub-division of this "ko tomar" unit, which will set the framework for our next discussion:

PSUKIM	**TOPIC**
20:19-20:23	How to worship God via the 'mizbeiach'
21:01-23:12	A misc. assortment of civil laws
23:13-23:19	Worshiping God on the 3 pilgrimage holidays

23:20-23:33 --- God's promises re: entering the land

With this in mind, lets examine the internal structure of the "bein adam la'chaveiro" laws, that begin with the Mishpatim in 23:1 thru 23:12. As we will now show, this 'middle section' of civil laws will divide very neatly into two basic categories.

1) Case laws - that go before the "bet-din" [a Jewish court]
2) Absolute laws - that guide the behavior of the individual

THE MISHPATIM - CASE LAWS

Parshat Mishpatim begins with the laws of a Hebrew slave (see 21:2-11) and are followed by numerous 'case-type' civil laws dealing primarily with damages ["nezikin"'] that continue thru the middle of chapter 22. Their presentation develops in an organized, structured manner, progressing as follows:

21:12-27 - a person killing or injuring another [assault]
21:28-32 - a person's property killing or injuring another person
21:33-36 - a person's property damaging property of others
21:37-22:3 - a person stealing from another
22:4-5 - property damage to others caused by grazing or fire
22:6-14 - responsibility of "shomrim" watching property of others
22:15-16 - financial responsibility for a 'seducer'

Note how these various cases range from capital offense to accidental property damage.

THE 'KEY' WORD

As you most probably noticed, the 'key word' in this section is 'ki' [pun intended], which implies **if** or **when**. Note how most of the parshiot from 21:1-22:18 begin with the word 'ki' [or 'im' / if/ when] and even when it is not written, it is implicit. In other words, each of these 'mishpatim' begins with a certain **case** [if...] and is followed by the ruling [then...]. For example:

If a man hits his servant **then**... (see 21:20);
If an ox gores a man... **then** the ox must be stoned (21:28).

Basically, this section contains numerous examples of 'case-law,' upon which the Jewish court (**bet din**) arrives at its rulings. This is the basic meaning of a "mishpat" - a **case** where two people come to court - one person claiming damages from another - and the **shofet** (judge) must render a decision. In fact, these cases can only be judged by a court, and not by a private individual.

[As you review these cases, note how most of them fall under the category of "choshen mishpat" in the shulchan aruch.]

As our above table shows, this section of 'case-laws' (beginning with the word "ki") continues all the way until 22:16; after which we find an interesting transition. Note, that beginning with 22:17, we find three laws, written in a more imperative form, that do not begin with a specific 'case':

"A sorceress **shall not** be left alive. Anyone lying with an animal **shall be killed**, and one who sacrifices to [other] gods **shall be excommunicated**..." (see 22:17-19).

These laws don't begin with the word 'ki' for a very simple reason - there is no plaintiff coming to court to press charges! In all the cases until this point, the process of 'mishpat' is usually initiated because the plaintiff comes before the court. In these three cases, it is the court's responsibility to initiate the process (see Rashi & Rashbam & Ramban on 22:17!), i.e. to find the sorceress, or the person 'lying with the animal', etc. Therefore, even though these laws are presented in the 'imperative' format, they remain the responsibility of "bet-din".

These three cases are also quite different from the case-laws above, for they also fall under the category of "bein adam la'makom" [between God & man].

Most significant is the third instruction - "zoveyach la'elokim yo'cho'ram - bilti l'Hashem l'vado" - one who sacrifices to [other] gods shall be excommunicated..." - where once again we find a law concerning 'how to (or not to) worship God' - just as we find in the opening and closing sections that envelope these civil laws.

In this sense, these three laws will serve as a 'buffer' that leads us to the next category, where the laws will continue in the 'imperative' format, however, they will leave the realm of "bet-din" and enter the realm of ethical behavior. Let's explain:

THE ETHICAL LAWS

Note the abrupt change of format that takes place in the next law:

"You **shall not wrong** a **stranger** or oppress him, for you yourselves were strangers in the land of Egypt" (22:20).

Not only is this law written in the imperative format, it contains no punishment by "bet-din". Instead, it includes an incentive for why every Jew should keep this law - for we ourselves were also once strangers in the land of Egypt!

Note as well how this imperative format continues all the way until 23:10. In contrast to what we have found thus far, we now find a collection of **imperative**-style laws [i.e**. do**... or **don't**...], which appear to be beyond the realm of enforcement by **bet-din**. This section focuses on laws of individual behavior that serve as guidelines that will shape the type of society which God hopes to create within His special nation.

Towards the conclusion of this 'ethical' unit, we find a pasuk that seems to simply repeat the same verse that opened this unit:

"You **shall not oppress** a **stranger**, whereas you know the **feelings** of a stranger, for you yourselves were once strangers in the land of Egypt" (see 23:9).

[and compare it to the opening statement of this unit: "You **shall not wrong** a **stranger** or oppress him, for you were strangers in the land of Egypt" (see 22:20).

As your review the numerous laws that are 'enveloped' by these two 'matching' psukim, note how they are all written in the imperative form, and share a common theme of living by a higher ethical standard.

To prove this assertion, let's study the progression of topic from 22:20 thru 23:9:

* "You shall not mistreat any widow or orphan. If you do mistreat them, **I will heed their outcry**...."
* "When you lend money... if you take his garment as a pledge, you must return it by sunset... for if you don't, when he calls out to me, surely, **I will hear his cry**..." (see 22:20-26).

In contrast to the previous section (see 20:12 thru 22:16), where the court enforced the punishment - this section begins with a set of laws where God Himself threatens to enact punishment! As the court system cannot 'force' every member of society to treat the poor and needy with kindness, God Himself promises to 'intervene' should the 'less privileged' be mistreated.

Furthermore, it is specifically the stranger, the orphan, and widow who would least likely know how to take their case to court. As it is so easy to take advantage of these lower social classes, God Himself will punish those who take advantage.

BEING A 'GOOD CITIZEN'

The next four psukim (22:27-30) form a 'parshia', and at first glance appear to fall under the category of 'bein adam la'makom". However, in their context, it is also possible to understand them as laws dealing with the behavior of the individual within society, or stated more simply - being a good citizen. Let's explain how.

"Do not curse Elokim [either God or a judge / see 22:7]:, nor curse a leader of your people" (see 22:27).

This instruction 'not to curse your leaders' can be understood as a nice way of saying - respect your leadership. It would be difficult to develop a just society, should the people consistently curse and show no respect for their judges and political leaders.

The next law - "Do not delay to bring of the fullness of thy harvest, and the outflow of thy presses" (see 22:28) - could also fall under this category, as it refers to the obligation of every individual to tithe his produce. As this tithe is used to cover the salaries of civil servants (for example see Bamidbar 18:21 re: the salary of the Levi'im), this law could be paraphrased as a demand

that everyone must 'pay their taxes' - and on time; yet another example of 'good citizenship'.

Similarly, the next law:

"Your shall give Me your first-born sons. Likewise, [the first born] of your oxen & sheep..." (see 22:28-29) - was first given when Bnei Yisrael left Egypt (see Shmot 13:1-2,11-14).

Obviously, this commandment does not imply that we actually sacrifice our first born children; but rather it relates to the obligation of each family to dedicate their first-born son to the service of God. The purpose of this law was to assure that there would be an 'educator' (or 'civil servant') in each family - to teach the laws of the Torah.

Even though this 'family responsibility' was later transferred to the entire tribe of Levi (after chet ha-egel / see Devarim 10:8-9); at the time when the laws of Parshat Mishpatim were given - this was supposed to be the job of the first-born son. Similarly, the value of the 'first born' animals would also be dedicated to the Temple treasury (or to feed the workers).

If this understanding is correct, then this command serves as a reminder to each family to fulfill its responsibility to provide its share of 'civil servants' to officiate in the Mishkan and to serve as judges and educators (see Devarim 33:10).

[Re: viewing the first-born animals as a tax to compensate those civil servants - see Bamidbar 18:15-20!]

ACTING LIKE A 'MENSCH'

In the final pasuk of this 'parshia' we find a very general commandment to be not only a good citizen, but also to act like a 'mensch':

"And you shall be holy men unto Me; [an example] should you find the flesh that is torn of beasts in the field - do not eat it -feed it instead to the dogs" (22:30).

Even though the opening statement - to be holy men- is quite vague; the fuller meaning of this commandment is detailed in Parshat Kedoshim (see Vayikra chapter19). A quick glance of that chapter immediately points once again to the need to act in an ethical manner in all walks of life. [Note the numerous parallels between Vayikra chapter 19 and Shmot 22:20-33:10!]

The commandment 'not to eat the flesh of a torn animal' can be understood as an application of how to 'be holy', implying to act like a 'mensch', and not like gluten who would devour (like a dog) the meat of animal found dead in field.

In summary, we claim that this short section focuses on the need to be a 'good citizen', consonant with the general theme of ethical behavior - and incumbent upon a member of a society who claims to be representing God.

A HIGHER ETHIC

In chapter 23, this unit 'progresses' one step further, with several mitzvot that emphasize an even higher level of moral and ethical behavior.

The first three psukim discuss laws to ensure that the judicial system will not be misused - For example, not to plot false witness; to follow majority rule; and not to 'play favorites' in judgment (see 23:1-3).

[These laws could also be viewed as guidelines for the 'judges' who decide the laws in the first section, i.e. the civil 'case-laws' in 21:12-22:16.]

Next, we find two interesting laws that reflect the highest level of ethical behavior, which worded in a special manner.

* Returning a lost animal, even that of your enemy, to its owner ('hashavat aveida') (see 23:4);
* Helping your neighbor's animal (again, even your enemy) with its load ('azov ta'azov imo') (see 23:5);

The Torah does not simply command us to return a lost item, it describes an extreme case, where one must go out of his way to be 'extra nice' to a person whom he despises. What may be considered 'exemplary behavior' in a regular society - becomes required behavior for a nation who represents God.

Finally, this special section concludes with the famous dictum "mi-dvar **sheker** tirchak" - keeping one's distance from any form of dishonesty (see 23:7), followed by a warning not to take bribes - 've-**shochad** lo tikach' - (see 23:8).

As mentioned earlier, this section, describing the mitzvot of a higher ethical standard, closes with the verse "ve-ger lo tilchatz..." (see 23:9) - almost identical to its opening statement (see 22:20).

Despite the difficulty of their slavery in Egypt, Bnei Yisrael are expected to **learn** from that experience and create a society that shows extra sensitivity to the needs of the less fortunate. Specifically the Jewish nation - **because** we were once slaves - are commanded to learn from that experience, in order to become even **more** sensitive to the needs of others!

SHABBAT & THE HOLIDAYS

As we explained earlier, this 'ethical' section is followed by yet another set of mitzvot (see 23:10-19), which appears to focus on 'mitzvot bein adam la-Makom'. It includes the following mitzvot:

'Shmitta' - leaving the fields fallow every **seven** years;
'Shabbat' - resting one day out of every **seven** days;
'Shalosh regalim' - the three agricultural holidays:
'chag ha-matzot' - seven days eating matza
'chag ha-katzir' - wheat harvest (**seven** weeks later)
'chag ha-asif' - produce harvest (**seven** days).
(23:10-19)

Nonetheless, it should be noted how the laws of shmitta and shabbat are actually presented from the perspective of 'bein adam le-chavero'. The 'shmitta' cycle provides extra food for the poor and needy (see 23:11), while 'shabbat' provides a day of rest for the 'bondsman and stranger' (see 23:12). In this sense, these two laws form a beautiful transition from "bein adam la'chaveiro" section to the concluding "bein adam la'makom" section that 'closes' this entire unit.

At this point, we find a short summary pasuk that introduces the last section describing the pilgrimage 'holidays' (see 23:13-19). These 'shalosh regalim' are described as three times during the year when the entire nation gathers together 'in front of God' (i.e. at the Bet Ha-Mikdash) to thank Him for their harvest.

[One could suggest that this mitzvah of 'aliya la-regel' also influences the social development of the nation, for it provides the poor and needy with an opportunity to celebrate together with the more fortunate (see Devarim 16:11,14-16.)]

A 'DOUBLE' SANDWICH - TZEDAKA & MISHPAT

Let's return now to note the beautiful structure of this entire unit by studying the following table, where a * denotes laws "bein adam la'makom" and a # denotes laws "bein adam la'chaveiro".

To clarify this layered nature of this internal structure, in the following table we compare it to a 'sandwich' with two layers of 'meat', enveloped by 'bread',

* TOP - Laws re: idol worship and the 'mizbeiach' (20:19-20:23)
[i.e. how to worship God]

LAYER 1 - # The civil laws - 'case' laws for "bet-din" (21:1-22:16)
- i.e. laws that relate to MISHPAT - judgement

* BUFFER - short set of laws "bein adam la'makom" (22:17-19)

LAYER 2 - # The ethical laws -individual behavior (22:20-23:12)
- i.e. laws that relate to TZEDAKA - righteousness

* BOTTOM - Laws of the three pilgrimage holidays (23:13-19)
[again, how to properly worship God]

In other words, the few mitzvot that relate to how we are supposed to worship God (*) 'envelope' the numerous mitzvot that explain how God expects that we act (#). However, those mitzvot that govern our behavior also divide into two distinct groups. The first group (or layer) focuses on laws of justice that must be

enforced by the court system - i.e. MISHPAT; while the second group focuses on ethical behavior - i.e. TZEDKA or righteous behavior.

BACK TO AVRAHAM AVINU!

If your remember our shiurim on Sefer Breishit, this double layered structure - highlighting elements of both TZEDAKA & MISHPAT - should not surprise us. After all, God had chosen Avraham Avinu for this very purpose:

> "For Avraham shall surely become a great and mighty nation, and a blessing for all the nations of the earth. For I have known him IN ORDER that he may command his children and his household after him, that they may keep the way of God to do TZEDAKA & MISHPAT [righteousness and justice]..." (see Breishit 18:18-19, compare Breishit 12:1-3)

Now that Avraham Avinu's offspring have finally become a nation, and now prepare to enter the land - they enter a covenant at Har Sinai. Therefore, the very first set of detailed laws received at Sinai focus on how the nation of Israel is expected to keep and apply the values of "tzedaka & mishpat" - in order that this nation can accomplish its divine destiny.

AN EDUCATIONAL PROGRESSION

Before we conclude, we should note yet another sequence that takes place within these various subsections of laws. As you review these various sections, note how they follow a very meaningful educational progression:

I. THE FEAR OF MAN

The first section (21:1-22:19) contains civil laws regarding compensatory obligations, common to any civilized society (not unique to Am Yisrael). These case-type laws are enforced by **bet-din**. The fear of punishment by the courts ensures the compliance of the citizenry.

II. THE FEAR OF GOD

The next section (22:20-26) contains imperatives related to ethical behavior, emphasizing specifically consideration for the less fortunate members of society. Given the difficulty of enforcing this standard by the **bet-din**, God Himself assumes the responsibility of punishing violators in this regard.

III. LOVE FOR ONE'S FELLOW MAN

The final section of imperative civil laws (23:1-9) contains mitzvot relating to an even higher moral and ethical standard. In this section, the Torah does not mention any punishment. These mitzvot are preceded by the pasuk "ve-anshei **kodesh** tihiyun li" (22:30) and reflect the behavior of a "mamlechet kohanim ve-goy **kadosh**" (see 19:5-6). When the civil behavior of God's special nation is motivated not only by the fear of punishment, but also by a high ethical standard and a sense of subservience to God, the nation truly becomes a 'goy **kadosh**' - the purpose of Matan Torah (see 19:5-6!).

IV. THE LOVE OF GOD

After creating an ethical society, the nation is worthy of a special relationship with God, as reflected in the laws of shabbat, shmitta, and 'aliya la-regel' - 'being seen by God' on the three pilgrimage holidays (see 23:10-17).

This progression highlights the fact that a high standard of ethical behavior (II & III) alone does not suffice. A society must first anchor itself by assuring justice by establishing a court system that will enforce these most basic civil laws (I). Once this standard has been established, society can then strive to achieve a higher ethical level (II & III). Then, man is worthy to encounter and 'visit' God (IV).

ONE LAST PROMISE

Even though the 'mishpatim' and mitzvot end in 23:19, this lengthy section (that began back with 'ko tomar...' in 20:19) contains one last section - 23:20->33 - which appears as more of a **promise** than a set of laws. God tells Moshe to tell Bnei Yisrael that:

> "Behold, I am sending a **mal'ach** before you, to guide you and bring you to ... (the Promised Land). ... for if you obey him [God's 'mal'ach'] and do all that I say, I will be an enemy to your enemies and a foe to your foes. For My **mal'ach** will lead you and bring you to [the land of] the Amorites, Hittites, etc." (23:20-23). [See also 23:27-31!]

This conclusion points to the **purpose** of the entire unit. By accepting these laws, Bnei Yisrael will shape their character as God's special nation. Hence, **if** they obey these rules, **then** God will assist them in the conquest of the Land.

Considering that Bnei Yisrael are on their way to conquer and inherit the Land, this section (23:20-33) forms an appropriate conclusion for this entire unit. Should they follow these laws, He will help them conquer that land, where these laws will help facilitate their becoming God's special nation.

BACK TO BRIT SINAI

This interpretation can provide us with a beautiful explanation for why Bnei Yisrael receive specifically this set of mitzvot immediately after the Ten Commandments.

Recall God's original proposal to Bnei Yisrael before Ma'amad Har Sinai - "should they obey Me and keep My covenant... then they will become a - mamlechet kohanim ve-goy kadosh" (see Shmot 19:5-6). After the people accept this proposal (see 19:8), they receive the Ten Commandments, followed by the laws of the "ko tomar" unit.

This can explain why Bnei Yisrael receive specifically these laws (of the "ko tomar unit") at this time. As these laws will govern the ethical behavior of every individual in Am Yisrael and build the moral fabric of its society, they become the 'recipe' that will transform this nation into a "mamlechet kohanim ve-goy kadosh".

Furthermore, they emphasize how laws that focus on our special relationship with God, especially in relation to how we worship him - such as the laws of the holidays, are only meaningful when rooted in a society that acts in an exemplary fashion.

Because these guidelines for individual behavior are 'enveloped' by details of how to properly worship God, we can essentially conclude that this entire unit discusses how the nation of Israel is expected to worship God - for the manner by which we treat our fellow man stands at the center of our relationship with God.

shabbat shalom,
menachem

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FOR FURTHER IYUN

A. NISHMA VE-NA'ASEH!

Based on this interpretation, we can suggest a very simple explanation for why Bnei Yisrael declare '**na'aseh** ve-**nishma'** at the ceremony at Har Sinai (as see 24:7). [According to Ramban's approach that we keep 24:1-11 in its chronological order.]

If indeed **sefer** ha-**brit** includes the unit from 20:19-23:33, then God's promise to help Bnei Yisrael conquer the land should they listen to Him (23:20-23:23) forms the most basic statement of this **covenant**:

> "Ki im **shamo'a tishma** be-kolo, **ve-a'sita** kol asher adaber - For **if** you **listen** to what He [the **mal'ach**] says, and **do** whatever I will speak... **then** I will help you defeat your enemies..." (see 23:21-22).

One could suggest that it is in response to this phrase that Bnei Yisrael declare:

> **na'aseh** - in response to: ve-**asita** kol asher adaber;
> ve-**nishma** - in response to: im **shamo'a tishma** be-kolo.
> [Carefully read the middle section of Ramban's peirush to 24:3 where he alludes to this interpretation.

[Note that even according to Rashi's interpretation that sefer ha-brit in 24:7 includes the laws at **Mara**, the final words of God's charge at **Mara** (see 15:26) could provide the background for a similar explanation. One could suggest that Bnei Yisrael respond by saying **na'aseh** to ve-hayashar be-einav **ta'aseh** and **nishma** to "im shamo'a tishma..."! Of course, this could also relate to God's proposal in 19:5-6.]

B. Regarding to the order of NA'ASEH ve-NISHMA:

According to our explanation above, Bnei Yisrael should have said this in the opposite order, i.e. **nishma** ve-**na'aseh**. Relate this to Chazal's question in the Midrash - "lama hikdimu na'aseh le-nishma", which applauds Bnei Yisrael for **first** accepting the laws which they haven't yet heard. [Relate to "et asher **adaber**"!]

C. SOUND BYTES

Many of the mitzvot in Parshat Mishpatim from 22:26-23:19 could be viewed as 'sound-bytes' for entire 'parshiot' that expound on these mitzvot in Sefer Vayikra and Sefer Devarim.

1. Attempt to find examples, e.g. 23:10 to Vayikra 25:1-8; 23:14 to Devarim 16:1-17.
2. Use this to explain the nature of Parshat Mishpatim.
3. How does this enhance our understanding of the ceremony in perek 24? Relate to 'sefer ha-brit'.
4. Based on the above shiur, explain why Chazal interpret the law of "va-avodo le-olam" (21:6) - when an 'eved ivri' agrees to work 'forever' - as referring to the end of the seven cycles of shmitta, i.e. the 'yovel' year - see Rashi 21:6 and Vayikra 25:8-11.

D. AVOT & TOLADOT

We mentioned in the shiur that the mitzvot in Mishpatim can be understood as 'toladot' of the Ten Commandments. See Ibn Ezra's observation of this point. See also Abravanel.

1. Attempt to find examples of dibrot V->X within the civil laws.
2. Explain why the laws concerning the mizbeiach should be considered toladot of "lo tisa et shem Hashem Elokecha la-shav."
3. How does 'shem Hashem' relate to the concept of mizbeiach? Relate to Breishit 12:8, 13:4, etc.
4. How does 23:20-22 relate to this same idea of 'shem Hashem'? - see shiur below

THE 'TOLADOT' OF THE 'DIBROT' [a mini shiur]

In the following mini-shiur, we discuss once again the progression of mitzvot in the "ko tomar" unit, but this time from a different perspective.

Just as we have shown how these mitzvot follow an 'educational progression,' we will now show how (and why) they follow ('more or less') according to the order of the Ten Commandments.

Let's begin by showing how the opening section of mitzvot in this unit (i.e. 20:19-23 / the 'bein adam la-Makom' mitzvot) can be viewed as 'toladot' (sub-categories) of the first three Commandments:

*1. 20:19
"You have seen how I have spoken to you from heaven" - thus emphasizing belief in God's **hitgalut** at Har Sinai. This could be considered parallel to the first 'dibur' - "Anochi Hashem Elokecha asher hotzeiticha..."

*2. 20:20
"Don't make [with] Me gods of gold and silver..." - This prohibition of idol worship is obviously parallel to the second 'dibur': "lo yihiyeh lecha..."

*3. 20:21-23
"An earthen mizbeiach you shall make for Me...." - Even though this parallel is not as obvious, this commandment concerning how to build a mizbeiach may be compared to the third 'dibur': "lo tisa et **shem**..." - not to mention God's Name in vain. The parallel can be based on our study of Sefer Breishit where we saw how the mizbeiach forms an avenue by which Avraham declared God's Name to make it known to others. [See Breishit 12:8 and 13:4 and Ramban on 12:8.]

As Parshat Mishpatim continues this "ko tomar" unit, we can continue to find additional parallels to the remaining dibrot. Just as we found 'toladot' of the first three 'dibrot', so do we find 'toladot' of the fourth commandment - i.e. 'shabbat'. In fact, both the opening and closing sections of the mitzvot relate to shabbat. The opening mitzva, the law of a Hebrew servant (21:1-6), is based on the concept of six years of 'work' followed by 'rest' (=freedom) in the seventh year. The closing mitzvot of 'shmitta', shabbat, and 'aliya la-regel' (23:10-19), are similarly based on a seven-day or seven-year cycle.

In between these two 'toladot' of shabbat, we find primarily 'mitzvot bein adam le-chavero' (21:1->23:9), which can be considered 'toladot' of the fifth through tenth Commandments.

The final section, describing God's promise to help Bnei Yisrael conquer the land should they keep these mitzvot, continues this pattern in descending order:

23:20-23 The **mal'ach** with "shmi be-kirbo" -> III. "lo tisa"
23:24 - Not to worship their idols -> II. - "avoda zara"
23:25 - Worshipping God and its reward... -> I. Anochi

This structure, by which the 'mitzvot bein adam la-Makom' that govern our relationship with God (I->IV) serve as 'bookends' enclosing the **mishpatim** [the civil laws and ethical standards regarding one's relationship to fellow men (V-X)], underscores an important tenet of Judaism. Unlike pagan religions, man's relationship with other people constitutes an integral part of his unique relationship with God.

YITRO / MISHPATIM - A CHIASTIC STRUCTURE

The following table illustrates how this progression of the mitzvot according to the **dibrot** helps form a chiastic structure, which encompasses the entire unit from Shmot chapters 19->24.

Note the chiastic A-B-C-D-C-B-A structure that emerges:

A. **Brit** & the **dibrot** at **Har Sinai** (19:1-20:18)
| B. Mitzvot - I, II, III (20:19-23) ['bein adam la-Makom']
| | C. Eved Ivri (IV) [21:1-> 'bein adam le-chavero']
| | | D. Misc. civil laws (V-X) / causative & imperative
| | C. Shmitta, shabbat, regalim (IV)
| B. Mitzvot - III, II, I (23:20-33) ["bein adam la'makom"]
A. The 'Brit' of 'na'aseh ve-nishma' at **Har Sinai** and Moshe's ascent to receive the 'luchot' containing the 'dibrot'.

A chiastic structure (common in Chumash) usually points to a common theme and purpose of its contents. In our case, that theme is clearly 'Ma'amad Har Sinai'. This unit of 'Ma'amad Har Sinai' (Shmot 19->24) continues the theme of the first unit of Sefer Shmot (1->18), the story of Yetziat Mitzrayim.

We conclude our shiur by relating this structure to the overall theme of Sefer Shmot, as discussed by Ramban in his introduction to the sefer.

As we explained, Yetziat Mitzrayim (our redemption from Egypt) constituted the **first** stage in God's fulfillment of **brit avot**. Now, at Ma'amad Har Sinai, Bnei Yisrael enter a **second** stage, as they collectively accept God's covenant and receive the Torah (**brit Sinai**). These laws, especially those of Parshat Mishpatim, will help form their character as God's special nation - in order that they can fulfill the **final** stage of 'brit Avot' - the inheritance of the Promised Land and the establishment of that nation.

Parshas Mishpatim: God's Judgment and Human Judges

By Rabbi Yitzchak Etshalom

I. DO NOT SLAY THE INNOCENT AND THE RIGHTEOUS

Parashat Mishpatim, while being the first "collection" of Halakhah (law), expands on the theme of proper judges as introduced in Parashat Yitro (18:21). After presenting a lengthy list of civil and criminal laws, the Torah gives the following "advice" to the judges who are to administer these rules:

"[Distance yourself from a false matter;] do not slay the innocent and the righteous, Ki Lo Atz'dik Rasha' (for I will not exonerate the wicked)." (23:7) The second half of the verse begs explanation. The Hebrew *ki*, translated here as "for", is intended to express causality. To wit –

"…do not slay the innocent and the righteous; [the reason] for [that is that] I will not exonerate the wicked."
God is commanding us to exercise great care in carrying out capital punishment; the cause given, however, doesn't seem to have anything to do with the effect. How does God's relentless justice "I will not exonerate the wicked" explain the command to not slay the innocent and righteous?

II. RASHI'S EXPLANATION

Rashi, following the lead of the Mekhilta (Horovitz pp. 327-8) and the Gemara (BT Sanhedrin 33b) interprets the phrase as follows:
"Do not slay the innocent and the righteous:

How do we know that if one exits the court as a convicted man and someone said 'I can show merit for this man' that we return him to the court? Therefore Scripture teaches: 'Do not slay the innocent'- even though he is not righteous, for he was not found righteous in the first court, nevertheless he is *naqi* (innocent) of capital punishment for we have found merit. And how do we know that if one exits the court as an acquitted man, and someone said 'I can show guilt for this man' that we do NOT return him to the court? Therefore Scripture teaches: 'Do not slay the righteous'-this is the righteous one who was found righteous by the first court. For I will not exonerate the wicked:

It is not your responsibility to return him; for I will not find him innocent in My court if he escaped your hands as an innocent one – I have many agents to kill him with the death penalty he should have incurred." Although this interpretation reads well within this half of the verse, its readability becomes strained when read in the context of the entire verse; all the more so when seen as part of the surrounding verses: (Shemot 23:6- 9)

* Do not pervert the judgment of your poor man in his cause:

* Distance yourself from a false matter; do not slay the innocent and the righteous, for I will not exonerate the wicked:

* Do not take graft; for graft blinds the eyes of the sighted and perverts the words of the righteous:

* Do not oppress the stranger; you know the spirit of the stranger, for you were strangers in the land of Mitzrayim. Within the context of these verses, Rashi's explanation is difficult on several counts:

* According to Rashi, the end of our verse is not an admonishment; it serves as a source of consolation: "Don't be concerned that you have not executed justice properly, for I will do so". The thrust of these verses is clearly exhortative, however, and "consolation" does not fit smoothly within the context.

* How does the first part of our verse: "Distance yourself from a false matter" connect with the rest of the verse as read by Rashi?

* How can the same man be referred to as a naqi (innocent one) and a rasha' (guilty one) simultaneously? According to Rashi, the naqi "escaped" the grasp of the court on a technicality, but God will catch up with that rasha .

Rashi's interpretation follows the Oral Tradition and grants support for the juridical tradition of favoring acquittal over conviction. It further explains the cause-effect relationship in our verse "Do not slay…for I will not exonerate." It is, however,

not the smoothest p'shat (straightforward reading) in the verse; I would like to suggest another approach which will resolve the three problems we found with Rashi's comments.

III. ACCURATE JUDGMENT CONTINUES "MA'ASEH B'RESHEET"

Evaluating the p'shat will require a brief introduction. We must clarify the theological implications of humans sitting in judgment. Let's turn to the Gemara:

"'The nation stood by Moses from morning until evening'; do you really think that Moshe was sitting in judgment all day? When would he have time for Torah? Rather, this indicates that anyone who renders perfect justice for even one hour is considered a partner with God in Creation. Here it states: from morning until evening and over there (in B'resheet) it states: it was evening and morning one day." (BT Shabbat 10a) Man, created in the image of God, has the opportunity to become His partner in the ongoing process of creation. The central feature of the Creation is creating order out of chaos – creating light, then dividing light from dark; creating plants, each that will regenerate according to its own species; creating animal life and eventually humans that will reproduce according to their own kind. That phrase is repeated often enough in the first chapter of B'resheet that it becomes the anthem of creation. What is creation? Defining boundaries: light up to here, dark from here on; apples here, oranges there; birds up there, fish down there, animals over here and humans over there. The judge who does his job properly continues the process of making order out of chaos. That which is unlawfully taken is returned, that which is owed is paid. No man, rich or poor, is favored in this regard. The judge sees clearly and objectively, for he is not motivated by the greedy interests of the morally blind, rather by the enlightened self-esteem of the morally conscious.

This position can be explained in two ways.

1) Conventionally, we understand Man's goal to be "Imitatio Dei" – imitating God. This objective is expressed in the Gemara (BT Sotah 14a) " ' After the Lord your God shall you walk:' Is it possible to follow the Divine Presence?…rather emulate His traits…" The judge is, arguably, in the best position to fulfill this command. This view is supported by the verse which first implies mortal judges: "He that spills the blood of man, by man shall his blood be spilt, for in the image of God did He make man." (B'resheet 9:6) This last phrase can be interpreted as justification for capital punishment: The man who judges the murderer was created in God's image and can judge his fellow-even to be killed.

2) There is yet another way of explaining the role of the judge: To coin a phrase from the world of school law: "In locus Deis" – Man sits in judgment not as an emulator of the Divine, rather as His agent (see BT Nedarim 35b in re the Kohanim). Instead of trying to "follow" God, the judge is serving as His earthly arbiter of justice; hence the twofold meaning of Elohim as both "God" and "Court" (e.g. Shemot 21:6). The verses surrounding "Distance yourself from a false matter…" address this aspect of judgeship.

IV. VERBAL AND THEMATIC STRUCTURES – A BRIEF REVIEW

Although the Torah is normally read sequentially, there is a literary phenomenon which occasionally supplants sequential reading. This phenomenon, which we introduced two weeks ago is known as "chiasmus", named after the Greek letter 'Chi' which is shaped like an 'X'.
In a chiastic structure, the extremities focus toward the middle. For example:

"Nations will hear and be afraid, trembling will take hold of the inhabitants of K'na'an" (Shemot 15:14). The form here is "A B B A", where 'A' is the people ("Nations….inhabitants of K'na'an) and 'B' is the verb ("be afraid, trembling will take hold").

Written sequentially, this verse would is read: "Nations will hear and be afraid, the inhabitants of K'na'an will tremble when they hear."

Chiasmus is a poetic form which is not only a literary adornment, it establishes focus by placing the central theme or cause at the center of a phrase, verse or chapter. We can restructure our verse as follows:

A——>Nations

B——>will…be afraid;

B—–>trembling will take hold

A—–>inhabitants of K'na'an There are many examples of verbal chiasma.

(See A. Hakohen, "'Al Mivnim Khiastiim beSefer Devarim uMashma'utam" 'Alon Shevut 103 pp. 47-60; for more information on chiastic structure, see our shiur on Parshat B'Shalach from this year.)

A different sort of chiasmus exists in T'nakh. Whereas verbal chiasmus plays phrases or words off of each other, thematic chiasmus places related themes or ideas at the 'A' and 'B' locations respectively. Whereas in an earlier shiur, we utilized this approach to explain six and half chapters of text, it can be applied on a more "local" level.

For example:

"Remember that which 'Amalek did to you…wipe out any commemoration of 'Amalek from under the heavens; do not forget" (Devarim 25:17-19) may be structured as follows:

A—>Remember

B———->…that which 'Amalek did to you

B———->wipe out any commemoration of 'Amalek from under the heavens (what they did to you and what you do to them connects the two "B" sections)

A—>…do not forget (see Sifre ad loc. for the connection between the two "A" sections)

V. STRUCTURAL ANALYSIS OF OUR VERSES

Our section is a thematic chiasmus. There are five sections, as follows:

A—>Do not pervert the judgment of your poor man in his cause:

B———->Distance yourself from a false matter; do not slay the innocent and the righteous,

C————->for I will not exonerate the wicked:

B———->Do not take graft; for graft blinds the eyes of the sighted and perverts the words of the righteous:

A—>Do not oppress the stranger; you know the spirit of the stranger, for you were strangers in the land of Mitzrayim.

The 'A' phrases are thematically unified. The Torah is warning the judge against a danger inherent in the powerful position of the magistrate: single-minded concern with the letter of the law. The spirit of the Torah engenders sympathy and compassion for those less fortunate than us. The judge must, first and foremost, be a man of compassion. His zeal for justice must spring from a limitless well of concern for society and its members. The vision of an efficient society which runs smoothly at the expense of its individual's rights is anathema to Torah. The judge must not forget that the poor man is "your poor man" – your responsibility and your brother. Seeing a stranger, the judge might perceive him as a threat to the stability of the society which he protects. "No" says the Torah; "you know the spirit of the stranger" and there but for the grace of God goes the judge himself. (See the Haggadah "and if God had not taken us out of Egypt, we and our children and our grandchildren would still be enslaved to Pharoah") Sympathy, and its handmaiden, compassion, are the products of the awareness of how close we all are to tragedy; how easy it is for any one of us to become the poor man arguing his cause, or the stranger looking for refuge. The sense of shared danger, or at least a potentially common misery, is the single most powerful motivation for sympathy. "How would I feel if I were in that man's situation? How would I want to be treated?" In the Halakhic scheme, the response is always: "That's how I'll treat him."

The 'B' phrases serve as a counterbalance to the compassion mentioned above. The judge, apprised of the demands of compassion placed upon him, might pervert justice due to that selfsame compassion. "The poor man is so much needier," thinks the compassionate judge, "the rich can afford to lose; the poor man is probably innocent; I must show him mercy." The Torah warns of that perversion in the 'B' phrases: "Distance yourself from a false matter…do not take graft." The false

matter and the graft referred to here are internal: i.e. the rationalizations with which we blind ourselves (see BT Shavuot 30). We ignore the trespasses of friends much as we turn a blind eye to the righteousness of our enemies; neither fits the image we'd like to maintain. The judge must be wary of this potential in his own psyche. His compassion is the necessary starting point; judging without soul is judging without the image of God. The fairness which must overrule compassion is the crowning feature of the judge. A judge who is fair without feeling the tension of sympathy is not a man; the judge who allows his sympathy to decide the case is not a judge.

"God saw that the world couldn't exist by strict justice alone, so he added compassion…" (Rashi to B'resheet 1:1) We might add that "the judge cannot rule by compassion alone, he must add strict justice…"

VI. THE FULCRUM OF OUR CHIASMUS: GOD'S JUDGMENT

As we explained in our discussion of the Mahn (Parashat B'shalach), the purpose of a chiasmus is to highlight the central feature, which we called the "fulcrum" of the chiasmus. In our case, the 'A' and 'B' phrases serve to mitigate tendencies which judges may have which would pervert the environment of perfect justice. The 'C' phrase is the explanation and foundation of our section:
"…for I will not exonerate the wicked":

The judge, "playing God" as he does, might come to the conclusion that his mandate is expansive. As long as God granted him the right and charged him with the responsibility of judging his fellow, any verdict that he delivers might be acceptable. This is the most common abuse of power; to wit: " I am all-powerful, no one can stop me." At this point, the Torah warns the judge that while he judges others, he is being judged. "I will not exonerate the wicked [judge]." If justice cannot flow from the almost impossible synthesis of fairness and compassion, it will creep from the fear of God. The judge must beware that God's mandate is not a carte blanche for any kind of verdict; beware, lest His agency become perverted and His image tarnished.