

Potomac Torah Study Center

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Shabbat Shekalim; Mevarchim HaHodesh; Rosh Hodesh Adar Tues/Wed.

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.

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. May Hashem's protection shine on all of Israel, the IDF, and Jews throughout the world. We celebrate the return of all our hostages from Gaza and mourn those of our people who perished during the last two years. May a new era bring security and rebuilding for both Israel and all others who genuinely seek peace.

"And these are the ordinances that you shall place before them:" (21:1).

The grammar in the opening of Mishpatim instructs us. "And" indicates that the text continues directly from what comes immediately before. There is no "Vayitaber" (and Hashem said to Moshe) – another indication that God's conversation to Moshe from the end of Yitro continues without interruption. In short, Mishpatim continues the Revelation, Aseret Dibrot, and how to build a ramp up to the alter where B'Nai Yisrael may offer korbanot (sacrifices).

The people are afraid of receiving direct communications from Hashem and ask Moshe to listen and then tell them God's message. Rabbi Ysoscher Katz relates the Revelation and Mishpatim to Michaelangelo's famous ceiling painting of Adam reaching for God's fingers but not quite able to reach them. What is the meaning of this empty space? To Rabbi Katz, Rabbinic law, halacha, bridges the gap. We learn from the Talmud that Hashem gave the Torah to humans rather than to angels and that we have a divine mandate to connect with Hashem and fill in gaps in the written Torah. Torah depends not only on the written Torah – it also includes Rabbinic interpretation in a long line starting with Moshe:

Moses received the Torah at Sinai and transmitted it to Joshua, Joshua to the elders, and the elders to the prophets, and the prophets to the Men of the Great Assembly. . . . Pirkei Avot, 1:1 [Sefaria].

This connection back to Moshe ensures that the Oral Torah is also holy and divine. Rabbi Katz interprets Michaelangelo's ceiling painting as optimistic – halacha fills the space so we have a direct path to reach God.

Rabbi Lord Jonathan Sacks, z"l, reminds us that when humans obey Hashem's mitzvot, especially by treating strangers (foreigners) and disadvantaged members of society properly, we are little lower than angels. However, when we oppress the needy members of society, we are lower than beasts. The Torah and prophets remind us repeatedly that we must not mistreat or oppress foreigners in any way, because we were strangers in Egypt (22:21) and because the importance of treating strangers properly is why we had to experience exile and slavery before we could enter the Land to build our own society and state. To quote Rabbi Sacks:

*The best way of curing antisemitism is to get people to experience what it feels like to be a Jew.
The best way of curing hostility to strangers is to remember that we too – from someone else's*

perspective – are strangers. Memory and role-reversal are the most powerful resources we have to cure the darkness that can sometimes occlude the human soul.

Rabbi Marc Angel relates a story of a poor yeshiva student who asked a shoemaker to make him a gift of a pair of shoes for winter. The shoemaker said that he could not afford to provide gifts of shoes for numerous poor students. Years later, the yeshiva student was a famous Torah scholar, and the shoemaker wanted to help sponsor printing his sefer. The former student refused the offer, because the poor student needed this donation, but now that he a famous Torah scholar, it was too late. Hillel asked, *“If not now, then when?”* The time to help the disadvantaged members of society is now, when they need help – not in the future, after they receive help from elsewhere.

Rabbi Dr. Katriel (Kenneth) Brander reminds us that the most effective way to generate tzedakah is from the bottom up, not from the top down. When people feel that their help can make a difference, they are most willing to help the needy (whether institutions or individuals). Yes, there will always be needy members of society. The most effective way to help them is to reach members of society with the means to provide help – but to do so in a way that they feel involved and that they can make a difference. The challenge for those who wish to organize help for others is to find a way to make people feel individually involved in helping others – not to put layers of institutions between the target donors and the needy.

My beloved Rebbe, Rabbi Leonard Cahan, z”l, taught me Torah and Jewish history for nearly fifty years. One important lesson that I learned from Rabbi Cahan: the basis of any civilized society is the first Commandment, Hashem is our God – everything else follows. We all struggle with finding a way to teach our children and grandchildren the importance of helping those less fortunate than we are. Mishpatim gives a starting point, and hopefully those who follow us will learn and build on these lessons.

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 Shleimah for Velvel David ben Sarah Rachel; Moshe Aaron ben Leah Beilah (badly wounded in battle in Gaza but slowly recovering), Daniel Yitzchak Meir HaLevy ben Ruth; Avram David ben Zeezl Esther, Avraham Dov ben Blimah; Aria 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; Rena Michal bat Sara, Yehudit Leah bas Hannah Feiga; Miriam bat Esha, Chana bat Sarah; Raizel bat Rut; Rena bat Ilsa, Riva Golda bat Leah, 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.

Haftarat Parshat Mishpatim-Shekalim: When Giving Becomes a Partnership

By Rabbi Dr. Katriel (Kenneth) Brander *
President and Rosh HaYeshiva of Ohr Torah Stone

Allan Siegel sponsors the Ohr Torah Stone Devrei Torah this week in loving memory of David ben Dov Ber HaLevi on his yahrzeit.

]Rabbi Brander dedicates his Dvar Torah this week to his colleague and mentor David Katz, whose generosity of spirit and deep engagement with our friends and funders truly personify the message of this week's haftarah. [

This week's haftara echoes the maftir of Parshat Shekalim in its focus on communal responsibility and shared investment. The maftir, read from the beginning of Parshat Ki Tisa, describes the half-shekel donation every Israelite was required to give toward the Mishkan that would soon be built in the wilderness. The haftara, taken from the book of II Kings)ch. 12(, recounts a similar process undertaken many generations later to provide for the maintenance of the Beit Hamikdash in Jerusalem. Yet here we encounter a striking paradigm shift regarding the fundraising process that provides valuable insight into how Jewish institutions are best built and sustained.

In this story, we are informed that in the later days of the Davidic dynasty, the Beit Hamikdash had fallen into disrepair. The young king, Yehoash, turns to the priests charged with its care and instructs them to collect the funds that regularly arrived at the Beit Hamikdash – whether through the half-shekel obligations or through voluntary donations – and to also proactively seek additional support. These funds, emphasized Yehoash, must be directed toward repairing the breaches in the Temple's structure and renovating the entire building.

Soon, however, Yehoash realizes that the capital project has not moved forward. He summons the priests to understand the delay and quickly understands that their role as collectors and intermediaries is unintentionally discouraging potential donors by requesting money without clearly explaining how it would be used. Together with Yehoyada the High Priest, he decides instead to place a charity box next to the altar in the Temple courtyard, allowing people to contribute directly and without the priests' solicitation.

The impact is immediate. Once the process shifts from top-down to bottom-up collection, the Temple's coffers begin to fill. By removing an ineffective intermediary, potential donors regain a sense of trust and ownership. When people are empowered to give freely and directly they are far more willing to contribute generously.

This insight into friend-raising and fundraising remains relevant to this day. Donations given by individuals from personal initiative tend to be more generous and sustainable than those given in response to top-down requests.. When people are invited to participate in a vision rather than being asked merely to fund it, they respond with enthusiasm and commitment.

We see this dynamic today, within our own institutions. Whether engaging parents and students in our schools or cultivating relationships with our supporters, success flows when we include, listen, accept feedback, and form genuine partnership. When individuals feel that their voices matter and that they are helping shape a shared dream, they often choose to increase their support, and become invaluable allies.

The haftara goes even further, reminding us that meaningful contribution is not limited to financial support alone. With creativity and motivation, people can give in ways that are "outside the charity box," through their time and/or creativity. Indeed, the text notes that *"No silver bowls, shears, basins, or trumpets – or any golden or silver vessels – were made from the money that was brought to the House of the Lord."*)12:14(. The artisans who crafted these items were so invested in the sacred project that they donated their work outright. Their reward was the privilege of privilege being part of the process.

Lasting institutions are built not through transactions, but through trust. When funders, friends and community members are welcomed as true partners, shaping vision, sharing ideas and contributing their financial, creative, spiritual, and intellectual capabilities, authentic partnerships emerge. From those partnerships, resilient organizations, programs and communities grow, capable of achieving far more together and leaving a stronger impact than any could alone.

Shabbat Shalom.

* Ohr Torah Stone is 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.**

<https://ots.org.il/haftarat-parshat-mishpatim-rabbi-brander-5786/?pfstyle=wp>

Mishpatim: Expect Nothing!

By Rabbi Label Lam © 5771

You shall not take a bribe, for the bribe will blind the eye of those who can see and will make righteous words crooked! (Shemos 23:8)

Imagine – you are reading the label of a delicious looking drink bottle before taking a sip. There in bold print is inscribed in the strongest terms, *“Warning! This drink contains traces of ‘bribery’ which causes blindness and slurred-crooked speech!”* Would you still drink it?

Bribery sure sounds like nasty stuff for your mental health! It ruins judgment not only for judges but for everybody. We all make judgments every single day about millions of things. In what way are we all judges? How can bribery cause us blindness?

What’s the difference between a lawyer and a judge? Sounds like the lead in to a good joke but it’s not. A lawyer is hired by one side to build a case for one position alone. He sees only the merits of his client while demonizing the other side. A judge, however, must show equal skepticism to both litigants to be able to arrive at an equitable determination about the truth.

It was reputed about Thomas Edison, when he was considering hiring a scientist to work in his lab, he would invite him to lunch first and serve him a bowl of soup. Then he would observe the man’s behavior. If he would add salt before tasting the soup then he did not get the job..

Sometimes we are bribed by certain false suppositions as a lawyer assumes his client is innocent or the consumer of the soup assumes it is bland. When we wrongly assume that things must be a certain way, and then our expectations are not met, fits of disappointment and resentment can blind us to the possibility of experiencing any form of happiness!

Rabbi Yisrael Reisman describes on a tape entitled “Great Expectations” his recollections of an incident that occurred when he was yet a young Yeshiva student. He had positioned himself in his dorm room so his bed would be adjacent to the sink for some strategic purpose. The sink, he soon discovered, had a constant drip which he promptly reported to the powers that be. Understanding that it was just a matter of a washer or some such nickel or dime item, he assumed it would be taken care of pronto. The next few nights he lay awake tossing and turning to the dripping faucet becoming more upset, frustrated and resentful.

Finally after a couple of days, the janitor arrived. It was a loose washer. The whole thing took a few moments and cost next to nothing. The dripping was finally was over. That very evening, there was huge rain storm, and as he lay there in bed ready for a good night’s sleep, he became aware of the dripping from the roof to the window sill below – the same constant drip- drip, and it didn’t bother him a bit.

He wondered why one drip sound stirred him so and the other had zero effect. He concluded that the dripping sound was not what was actually annoying him. The proof is that the water from the rain didn’t wrinkle his psyche at all. What bothered him about the sink? The answer is that he assumed somebody would do something about it, it would be done right away, that his request would be fulfilled and honored swiftly etc. And it wasn’t...it wasn’t true!

I once heard from Rabbi Yitzchok Kirzner ztl two words that he called “*the secret to happiness.*” Admittedly, at the time I felt it sounded rather negative. Over many years, though, I have grown in appreciation for the wisdom of his insight. I share it often with my children and myself too. It’s a hard pill, “*Expect Nothing!*”

Good Shabbos!

<https://torah.org/torah-portion/dvartorah-5771-mishpatim/>

Milk and Meat Mix-Ups

By Rabbi Dov Linzer, Rosh HaYeshiva, Yeshivat Chovevei Torah © 2018

Sally added tomato sauce to a milkhig soup, and then discovered that the tomato sauce did not have a hekhsher and contained meat! She called the company and found out that the meat content was approximately 5%. She knows that she has to kasher her pot, but she wants to know if she has to throw out the soup or can she give it to her doorman?

In two places the Torah addresses how we should dispose of meat that is not kosher. In our parashah, the Torah states:

And you shall be a holy people unto Me. You shall not eat any flesh that is torn of beasts (treifah) in the field; you shall cast it to the dogs. (Ex. 22:30)

This verse deals with an animal that is a treifah, that has been attacked and torn into by wild animals (think of Yaakov’s cry: “*A wild animal has eaten him, tarof taraf Yosef, Yosef has surely been torn to pieces,*” Gen. 37:33). As a matter of halakhah, the Rabbis understand this term more abstractly to refer to any fatal injury or puncture that the animal has suffered. And in our common speech, we use the treif even more broadly to refer to all non-kosher foods.

If we are to throw this meat to wild dogs, then the implication is that we must dispose of it and not derive any benefit from it, such as giving it to a non-Jewish neighbor. However, a verse in Devarim, tells a different story:

You shall not eat of any carcass (neveilah): you shall give it unto the sojourner (ger) that is in your gates, that he may eat it; or you may sell it unto a foreigner... (Deut. 14:21)

Here, we are dealing with a neveilah, an animal that died without proper ritual slaughter. While we cannot eat this meat, we can benefit from it: we can sell it or give it away to someone who can eat it.

The Talmud, perhaps influenced by this explicit permission in the case of a neveilah, states that the same is true when it comes to the treifah. The dogs referred to in that verse are our own dogs, and we are allowed to derive benefit from meat from an animal that is treifah as well (Pesahim 22a, Rashi Ex. 22:30).

Why, then, the different instructions? Rashi (Ex. 22:30, citing Mekhilta) famously states that the dogs were rewarded for not barking when the Israelites left Egypt, but this does not answer why this is stated in the case of the treifah and not the neveilah. Two explanations suggest themselves. First, scholars have already noted that when some mitzvot are restated in Devarim, the Torah often underscores a more societal- or human-oriented dimension of the mitzvah, and that would be true here as well. A simpler explanation is that an animal torn by beasts will be seen as repulsive, and perhaps even unhealthy, and thus not fit for human consumption.

Regardless, as a matter of halakhah, a person is permitted to derive benefit from non-kosher meat (going into business with non-kosher foods is a different conversation). In our case, Sally could have given the tomato sauce with its non-kosher meat to her doorman. But it’s not that easy. Because Sally put the tomato soup with meat in her milkhig soup, she might have to throw it out.

Meat-and-milk mixtures are not like other non-kosher foods. While the Torah only explicitly forbids us to cook a kid goat in its mother's milk, the Rabbis understand this more abstractly to refer to the cooking of any meat and milk together. And because the Torah prohibits this three times – first in our parasha (Ex. 23:19) and twice more later (Ex. 34:16, Deut. 14:21) – the Rabbis understood the Torah to be saying that if meat were cooked in milk, it would be prohibited to eat it or to derive benefit from it.

It would thus seem that Sally has to throw out her soup. Giving it as a gift to her doorman would be seen as a type of benefit. It is most likely an expression of gratitude and, as such, halakhically considered as a type of “*payment*” – an act of reciprocity for some benefit she received (*matanah ki'mekher*, Baba Mezi'ah 16a). Alternatively, it is an act of goodwill meant to engender a positive relationship, thus also resulting in some benefit to the giver.

Could Sally give it to a stray dog, along the lines of the Torah's instruction for a *treifah*? The answer should be “yes,” since she derives no benefit from doing this. However, because of the taboo status of such a mixture, a number of *poskim* forbid doing even this (see Taz, YD 94:4 and Pitchei Teshuva YD 94:5).

But perhaps Sally can give her soup to her doorman. Ours is not the classic case of cooking meat with milk. First, the meat was only present in a mixture. Second, the meat that we are dealing with here is meat that was not ritually slaughtered, that is, *neveilah*. Why should these two factors matter?

When foods are in a mixture, they are *batel*, considered nullified and not present, unless their taste can be detected. This is the principle known as *tam ki'ikar*, the taste of something is considered like the thing itself. As a matter of halakhah, we assume that if the forbidden food is 1/60th of the mixture or more, then its taste can be detected, and the mixture is forbidden (YD 98:1).

In Sally's case, the meat was 5% of the mixture, certainly more than 1/60th. Nevertheless, according to many *Rishonim*, and possibly the *Shulkhan Arukh*, the 1/60th rule is Rabbinic in nature, and from a Biblical perspective, as long as the forbidden food is less than 1/8th or – according to some 1/9th of the mixture, the mixture may be eaten (see *Arukh HaShulhan* YD 98:37). Following this, the soup would only be Rabbinically forbidden as meat-and-milk.

Why does this matter? Because *Rambam* and *Shulkhan Arukh* rule that a person may derive benefit from a meat-and-milk mixture when the problem is only Rabbinic in nature, for example, if the meat is chicken and not beef (YD 87:3). If we follow those who rule that Sally's mixture, because of the low proportion of meat present, is only Rabbinically forbidden, Sally would be permitted to give her soup to her doorman.

There is another reason to permit. While the meat was 5% of the tomato sauce, it was an even a smaller percentage of the soup. If it was less than 1/60th of the soup, then it became nullified when the tomato sauce was mixed into the soup. Sally can still not eat the soup, because of the principle of *hanan bi'shar issurim*, which means that Rabbinically we treat the entire tomato sauce as if it were all the forbidden meat. But because this principle is Rabbinic in nature, Sally is permitted to derive benefit from the soup.

Finally, a number of *poskim* rule that anytime the meat or the milk is not directly present, i.e., when it only exists within a mixture, then any meat-and-milk problem is only Rabbinic in nature (see *Yabia Omer* YD 4:6.10). From the Torah's perspective, they argue, it is only forbidden to cook actual meat, and not just the taste of meat, with actual milk. And, as we have seen, a person may derive benefit from Rabbinic meat-and-milk.

There is another relevant factor here as well. In addition to the meat being in a mixture, it is *neveilah*, meat not slaughtered properly, and hence not kosher. It is important at this stage to distinguish between two types of not kosher meat. One type is meat coming from a non-kosher animal, such as pork. Such meat is not included in the Torah's prohibition and may be cooked with milk (obviously, it cannot be eaten). The other type is meat coming from a kosher animal, but which is a *treifah* or a *neveilah*. Such meat is included in the Torah's prohibition against cooking meat with milk.

So why does it matter that the meat is neveilah? Because according to Rambam, the principle that *ein issur hal al issur*, one forbidden status does not take effect on top of a pre-existing one, means that this meat, which was already forbidden, does not now become forbidden in benefit. Some Poskim debate this, but Nodah BiYehudah rules that if financial loss is involved, a person can comfortably follow the Rambam's ruling (Dagul Meirivavah, YD 87:3).

Based on all the reasons above, there is more than ample halakhic basis to conclude that the soup does not have a meat-and-milk status that would prevent Sally from deriving benefit from it.

Sally can give her soup to her doorman. When the Torah states that we cannot cook meat and milk together, it introduces this with the phrase: *"You are a holy people unto Me."* One of the ways that we can demonstrate that holiness is to not waste food, to express gratitude, and to engender positive relationships with those around us.

Shabbat Shalom!

From my archives

Nishmat haTorah: Parashat Mishpatim

By Rabbi Ysoscher Katz *

Whenever I listen to the reading of this week's torah portion, Parshat Mishpatim, our first legal code, the very foundation of Halakha, I am reminded of Michaelangelo's Creation.

Creation is an artistic masterpiece that also packs a powerful theological punch. The Italian master is obviously celebrating the religious enormity of creation, but is at the same time also bemoaning its theological tragedy. It is hard to ignore the sad aura that permeates the entire scene. The background is dark, perhaps cloudy, and the characters' facial expressions seem to convey doubt, fear, and hesitation. Adam in particular seems overwhelmed by the experience; he looks sad, lonely, and forlorn. All the pathos Michelangelo is depicting seems to coalesce in the evocative focal point at its center: the empty space between Adam's and God's outstretched fingers. God and Adam are seemingly reaching out to each other, desperately trying to touch and connect, but they cannot; an unbridgeable gulf, Michelangelo seems to imply, separates them from one another.

Michelangelo's message essentially seems to be one of defeat and despair. He ultimately believed that God and humanity are destined to hover perpetually in an estranged state, separate and distant from one another, their craving for intimacy never fully satisfied.

He was wrong, though. Humankind did develop a medium that allows it to surmount what Michelangelo assumed to be an unbridgeable gulf: the creation of Halakha, a process kickstarted in this week's portion of Mishpatim! The gap he so aptly illustrated dissipates in the halakhic arena. God and humanity are in each other's grip in that space, not at all distant from one another. That is where we hold on tightly to one another, swirling in a loving embrace of mutual dependence, because halakhic jurisprudence is a dialogical and interactive process whose success is predicated on an assumption of)metaphorical(intellectual intimacy and destinalational mutuality between God and us. God provides halakha's mandate; humankind chaperones its application. Law without a divine mandate lacks transcendental significance, while halakha without human input is destined to wither and disappear.

As a matter of fact, the Psalmist says as much in his brief thesis on the theological foundation of halakhic jurisprudence. *"God stands in the midst of the judiciary, He adjudicates alongside the judges,"* he proclaims in Psalm 82:1, placing the divine at the center of judicial adjudication. One cannot help but hear in these words a Psalmist)albeit anachronistic(rejection of Michelangelo's depiction of humankind's tragic state of perpetual spiritual loneliness. He is refuting the Italian master's pessimistic outlook by describing halakhic production as a place where God and humanity are linked and intertwined with one another. Humanity is not spiritually doomed, he says.

The Sages spoke about religious law in a similar vein. When they famously proclaimed *Uvava Metzia 59B* that “*Torah is not in heaven,*” they were, counter to conventional interpretation, integrating God into the judicial process, not excluding Him. They did not write God out of the proceedings but instead activated their part in the mutually agreed-upon judicial partnership. They were actually saying: “*Torah is not [ONLY] in heaven;*” its success is also dependent on the judicial creativity of humankind.

Applied Torah hovers in that blank space Michelangelo portrayed, where the Lawgiver and lawmakers reach out to each other. But, counter to his portrayal, in the halakhic arena these two actors in the divine drama of creation and creativity actually touch – metaphorically. God and humanity dialogue and intersect in a mode of interdependence. When the Sages made their emphatic proclamation *Uvava Metzia 59B* that “*Torah is not in heaven*” (they were, therefore, being celebratory, not triumphant. They were celebrating a mutually fulfilling partnership between God and us that is multifaceted, one that satisfies our spiritual aspirations and at the same time also enhances our social interactions.

Halakha's power to bridge Michelangelo's gulf becomes even clearer when we consider the structure of the Torah portion itself. While in the chumash, this week's portion is separate from last week's, to me they seem like two chapters of a single story. Parshat Yitro, with its dramatic revelation at Mount Sinai, is merely the preamble, the pre-show fireworks. God in Yitro, on a mountainous stage, resembles a concert performer who is distant and inaccessible. The important, intimate stuff happens next, in this week's torah portion, where the aloofness subsides and God is ready to become intimately intertwined with the Jewish community. The laws, the mishpatim, are the shared platform for this desired intimacy, because that is where Divine Immanence resides, in the intricacies and nitty-gritty of Halakha.

The aspect of God we encounter in Halakha is the antithesis of aloof and inaccessible. It is an act of sacred co-creation, a harmonious tune composed by Lover and beloved. The Divine voice, solo at Mount Sinai, becomes intermingled and intertwined with us, the listeners, when we respond with the melodious *Uvava Metzia 59B* - “*We will do and we will hear*”. This subservience to the law is humanity's love song to God. Our intimacy allows us to intuit God's will *Uvava Metzia 59B*, and when God articulates the laws, we listen intently *Uvava Metzia 59B*, singing along to a harmonious tune that is the product of two entities codependent on one another.

Shabbat Shalom.

Uvava Metzia 59B This is a condensed version of a much longer essay on halakha. For a further exploration of halakha's intellectual, communal benefits, and modern creative imperative see:

<https://library.yctorah.org/lindenbaum/if-only-michelangelo-had-studied-halakha/> (

Uvava Metzia 59B Ed. note: additional thought on Mishpatim as a continuation of the Revelation. There is no “*V'yitaber*” at the beginning of Mishpatim. The implication is that Mishpatim continues what came immediately before – it is NOT a new conversation or subject.]

* Chair of the Talmud Department and the Director of the Lindenbaum Center for Halakhic Studies, Yeshivat Chovevei Torah, Bronx, NY

Angel for Shabbat: Parashat Mishpatim

By Rabbi Marc D. Angel *

A story is told of a yeshiva student who was so poor that he could not afford a pair of shoes. In the midst of a cold winter, he went to a Jewish shoemaker and begged for shoes. The shoemaker replied that he sold shoes but did not give them away for free. If he gave to this student, others would come...and he simply couldn't afford to give away so many shoes. He had to make a living to support his family. The yeshiva student spent the winter without a decent pair of shoes.

Years passed and the student went on to become a great sage with an international reputation. He prepared a volume of Torah scholarship for publication and many Jews vied for the honor of sponsoring the book. Among those who

approached the sage with a contribution was the shoemaker! The sage recognized him and politely told him that he already had sponsors for his book. He also reminded the shoemaker of the incident years ago, when the sage was just a yeshiva student who couldn't afford to buy shoes. *"I needed your help then but I don't need it now. I don't hold a grudge. I know you had a business to run. I wish you only good things. But your charity now is not needed. It's too late."*

The shoemaker was an average person trying to make a living. If he had known in advance that the yeshiva boy would turn out to be a great sage, he probably would have given him a pair of shoes when he needed them. Many people — probably most — would have done the same as the shoemaker; and many — probably most — would have missed the opportunity to do a mitzvah for a promising young man who would one day become great.

Parashat Mishpatim includes many laws relating to business, damages, borrowing and lending. We are presented with a framework for living a proper, honest life. But the parasha doesn't only include laws; it also provides an ethical framework for the laws. *"Do not vex a stranger nor oppress him, for you were strangers in the land of Egypt. You shall not afflict any widow or orphan....If you lend money to any of my people that is poor, you shall not be to him as a creditor, neither shall you lay upon him interest....and when he cries out to Me, I will hear; for I am gracious."* We are not only to do what is right; we are to do what is righteous.

We are frequently called upon to help individuals, schools, organizations, charity funds etc. If we were prophets who knew in advance how these funds would be impactful years from now, we would better be able to calculate our responses. But like the shoemaker in the story, we don't know the future. It may be right to provide assistance based on our current knowledge; but it is righteous to be as generous as possible with time and resources, in the hope that our goodness will bring relief now...and possibly be of inestimable value in the years ahead.

Many of us have received gracious gifts of advice, time, and money that meant a lot to us, that may have changed our lives for the good. Some fine people believed in us and invested in us. Likewise, we can help others when they turn to us. We can do this now, when they need us, not when it's too late.

* 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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<https://www.jewishideas.org/node/3411>

Remembering Abraham Lincoln: A Blog by Rabbi Marc D. Angel

By Rabbi Marc D. Angel *

Until 1968, Americans celebrated February 12 as Abraham Lincoln's birthday and February 22 as George Washington's birthday. These commemorations were then replaced with Presidents' Day on the third Monday of February. This was widely perceived as a downgrading of American veneration of Lincoln and Washington.

With the growing pressures for egalitarianism and multiculturalism, it was to be expected that great national heroes be cut down to size. After all, they were flawed human beings, not much better or different from ourselves.

In his perceptive book, *Abraham Lincoln in the Post-Heroic Era*, Dr. Barry Schwartz traces the dramatic drop in Lincoln's prestige, especially since the 1960s. He writes: *"Ours is an age ready to live without triumphal doctrine, an age in which absolutes are local and private rather than national, a post-heroic age in which national greatness is the epitome of the*

naive and outmoded.")p. 191(. In the post-heroic era, it has become fashionable to focus on the flaws of American society and the evils of American history. Our heroes have now tended to be athletes and entertainers rather than singularly great political figures. Indeed, to identify a public figure as "great" is to invite a barrage of criticism from the politically correct opposition, stressing that person's numerous sins and shortcomings.

Those of us who spent our childhoods before the mid to late 1960s are still the biggest fans of Lincoln. Those whose childhoods were in the late 1960s and later were less likely to study about the great Abraham Lincoln that we knew: the common man born in a log cabin who went on to become one of America's great Presidents; the man of homespun wit and wisdom; the President who saved the Union; the President who emancipated the slaves; the President who was deeply religious in his own special way. As children, we learned not just to respect Lincoln, but to see in him a quality of excellence to which we ought to aspire. Lincoln's greatness was an inspiration; he represented the greatness of America and the American dream.

We need to remind ourselves: Greatness does not entail having all the virtues and strengths; greatness does not depend on external pomp and glory. Greatness, like the eternal light in our synagogues, needs to be steady, to give light, to inspire from generation to generation. It is futile to argue that Abraham Lincoln – or any human being – was absolutely perfect and without shortcomings. Yet, this does not negate the possibility of human greatness, any more than it would be to negate the greatness of the eternal light because it was not a larger, stronger light. A great human being is one whose life offers a steady light and inspiration to the generations, whose words and deeds have had profound positive impact on others, whose existence has helped transform our world into a better place.

Abraham Lincoln was a great man with a lasting legacy to his country and to the world. His spirit is well captured in the closing words of his second inaugural address, delivered on March 4, 1865:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan--to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations."

It is a pity that Presidents' Day is simply treated as a day off from school or work; or a day for special sales. Wouldn't it be far more valuable for our society if children actually stayed in school and learned about Washington, Lincoln and other great Presidents? Wouldn't it be more sensible for all Americans to spend some time during the day to learn about, read about, think about the Presidents who helped make the United States a bastion of liberty? To squander the significance of Presidents' Day is to further erode respect and appreciation of the Presidents...and the highest values of American life.

* 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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<https://www.jewishideas.org/blog/remembering-abraham-lincoln-blog-rabbi-marc-d-angel>

Paired Perspectives on the Parashah: Mishpatim An Eye for an Eye: Peshat and the Problem of Equivalence

By Rabbi Hayyim Angel *

An excellent opportunity to study the relationship between the Written and Oral Law arises from a consideration of the famous verse in Mishpatim, *ayin tahat ayin* — “*an eye for an eye*” (Exodus 21:24). The Oral Law, as reflected in the Talmud, understands this law to require monetary compensation — and not corporal punishment — for one who physically injures another (Mishnah *Bava Kamma* 8:1).

The Talmud cites a succession of proposals that would ground monetary compensation in the plain sense of the verses. Neither logic nor close reading can generate an airtight proof. Among its arguments, the Talmud observes that one person’s eyesight is stronger than another’s; what justice looks like when a blind man injures another’s eye is unclear; and serious bodily injuries frequently trigger cascading complications, including the risk of death. The Talmud recognizes the intuitive reasonableness of monetary compensation, yet it lacks demonstrative proof from the text itself.

This gap between normative halakhah and textual certitude animates the post-Talmudic search for peshat. Medieval exegetes seek to show that the Oral Law is not merely authoritative, but exegetically compelling.

Rabbi Saadiah Gaon, as cited by Ibn Ezra, articulates a set of rules for interpretation. Scripture cannot demand what is impossible or absurd, and a verse must be reinterpreted if it contradicts the living rabbinic tradition. Applying these rules, Rabbi Saadiah argues that literal measure-for-measure injury cannot have been the Torah’s intent, since its implementation would inevitably violate proportionality and risk exceeding the proper punishment.

Ibn Ezra maintains that a halakhic passage can sustain multiple plausible readings, but only one constitutes the true peshat. When the text does not yield a definitive conclusion — as in our case — one must rely on the living tradition to inform us of the true meaning. Tradition thereby supplies the decisive reading where the text alone does not.

Rambam develops a multifaceted analysis of this question. In *Hilkhot ovel u-Mazik* (1:3–6), he argues that compensation is the evident meaning of Scripture, since a nearby passage already requires compensation for a physical wound (Exodus 21:18–19). Consistency across the unit points toward monetary damages as the peshat. The Oral Law then confirms that this is indeed the halakhic conclusion. For Rambam, the Torah’s formulation is also philosophically exact: monetary payment serves as a ransom for the injury that, in principle, the offender deserves to suffer. Only in cases of murder is ransom prohibited (Numbers 35:31), since the equivalence of life cannot be redeemed.

If, hypothetically, one were to decide the matter from Scripture alone and without appeal to the Oral Law, these three medieval authorities would diverge in their approaches. For Rabbi Saadiah, reason would compel compensation, establishing this as the proper meaning of the verse. For Ibn Ezra, the text would remain open to different interpretations; we would rely entirely on tradition to provide the correct meaning. For Rambam, internal consistency favors monetary payment through the parallel law of compensatory wounds.

Why would the Torah use the formulation, “*an eye for an eye*,” instead of simply stating explicitly that there must be monetary compensation? Both Ibn Ezra and Rambam maintain that the Torah’s *lex talionis* formulation teaches something beyond the legal outcome. The offender deserves to lose an eye. Halakhically he pays. Morally, the Torah insists on the measure-for-measure equivalence.

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<https://www.jewishideas.org/node/3412>

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The Path to Pleasure

By Rabbi Mordechai Rhine *

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

Rabbi Yisroel Meir Kagan, commonly known as the Chofetz Chaim, was very excited. He had completed a volume in the series of Mishnah Berurah and was ready to have it printed. But before he could have it printed, he had to have it approved by the government censor. So, he set out by train to the city where the government offices were.

When the Chofetz Chaim arrived at the government office for the appointment, both he and the government official were surprised. They remembered each other from their early years in Cheder (school).

Apparently, this government official had left observance to climb the rungs of society. Now he would be the one to preside over the decision of whether the Chofetz Chaim's work of Halacha would be printed.

The official felt really good about himself and said, "Well, now, look at you and look at me." As he said these words, he smugly motioned to the fancy government office in which he presided.

The Chofetz Chaim nodded patiently and respectfully and said, "Do you remember Zalman, who was also in our class?"

The official said, "Oh, sure I do. He even lives here in town."

The Chofetz Chaim nodded, "Yes. In fact, when I got off the train I saw Zalman in a very grand carriage, and he offered me a ride. I asked him," the Chofetz Chaim continued, "Where he was headed, uptown to the residential area or downtown to the offices? He said that he was going uptown to where he lived. So, I told him, 'No thank you,' because he wasn't travelling to where I needed to go.

"I tell you the same thing," the Chofetz Chaim concluded, "Your office is very impressive, and your position is very prestigious, but that isn't where I want to go."

In this week's Parsha, the Torah describes the declaration with which the Jewish people accepted the Torah. "*Naaseh V'Nishma*," they declared. "We will do; we will listen." At the time they did not yet understand all the mitzvos of the Torah. They certainly did not understand the journey that Torah would take them on throughout history. But they were ready. They knew that this path would take them to where they wanted to go.

That is how things are in life and in every generation. When we make decisions, we don't know exactly how things will unfold. What is important is that we place ourselves on a good path. Because a good path meanders to a good destination.

A few years ago, a young man in Israel showed up at a yeshiva asking to learn Torah. When the administrator asked him why he came, the man related the following story.

"It was a beautiful evening when I gathered with a bunch of friends to party the night away. We were at the best restaurant in town, with the most lively and fun people, and the party was just ready to begin. Across the street there was a yeshiva boy walking. We thought it kind of funny that he was walking in this rocking neighborhood of ours. Apparently, the yeshiva boy didn't realize where he was because as soon as the music started and he realized, he clamped his hand onto his hat and started running from our place as if from the plague.

"At first, we ridiculed him, joking among ourselves at the way he ran so awkwardly. But then I thought about it and I realized that here I was looking for pleasure, and here he ran from these very things. Apparently," I thought to myself, "He knows of an even greater pleasure.

"That image," the young man concluded, "of the yeshiva boy with his hand clamped on his hat, running desperately away from what I thought was the greatest of pleasures, is ingrained in my mind. So, I came here to a yeshiva to find out about a path that leads to even greater pleasures."

I am well aware that when we compare the observant way of life to others, we don't typically think of pleasure. Perhaps we would describe it as meaningful, rich, and eternal. But I would suggest that even on the topic of pleasure we have something very special.

A person who lives with Shabbos, for example, lives believing in Hashem and creation. Instead of seeing the world as a fortuitous mistake with all of our lives nothing more than happenstance, a person who has Shabbos sits at the Shabbos table and mindfully notices Hashem's blessings. Life has meaning. Life has love. The contrast is so striking that the heart flutters, skips a beat at the thought. To think that had we taken a different path we would never even have know that life has meaning, to love Hashem and to experience that He loves us.

When the Jews accepted the Torah, they were doing something much more than just their own personal decision. Through their decision they placed us upon the path of living life with purpose. Like the Chofetz Chaim, a ride on the pleasures of life is not pleasurable if it takes us to the wrong destination. Like that young man who observed the yeshiva boy running, there is a pleasure far deeper and far more lasting than frolicking the night away. It is our good fortune to be on the pleasure path of a meaningful relationship with Hashem knowing that the steps we take are treasured, the emotions we feel are celebrated, as we develop a relationship with the greatest Being.

For Family Discussion:

1. When have you had to turn down something that looked attractive because it wasn't going in the direction you wanted your life to go?
2. Do you agree that a life of Torah and mitzvos should be described as pleasurable, not just meaningful? Why or why not?

Wishing you 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, or to help sponsor his Torah insights, contact Rabbi Rhine.**

Parshas Mishpatim – The Identity of a Jew

by Rabbi Yehoshua Singer * © 2021

Following the giving of the Torah at Sinai and the founding moments of the Jewish people as a nation, Moshe is instructed to begin teaching the Torah to the Jewish people in detail. The first verse in Mishpatim states “*These are the laws you shall place before them.*” The Gemara in Eruvin 54b expounds that Hashem is instructing Moshe to place Torah before them that they should see and understand the laws as clearly as a table laid out before them ready to eat. (Eruvin 54b) Rash”i explains that this means that Moshe could not satisfy himself with teaching the concepts and principles until they knew the practical laws. Rather, he had to be sure that they understood the meaning and reasoning of the laws and had a full understanding, metaphorically seeing it clearly before them. (Shemos 21:1 *d”h* “*asher tasim lifneihem*”)

Moshe as the leader of the nation was personally responsible to ensure that Torah knowledge became entrenched in the Jewish people. Not only was he to provide the people with Torah knowledge, but he was to ensure that the people studied and mastered Torah. He had to ensure that Torah philosophy, knowledge and reasoning became an integral part of the Jewish people. This was a tall order and a great task for Moshe to achieve. Yet, if we look further at the Gemara in Eruvin we see that this responsibility went even further.

The Gemara quotes Rabbi Akiva, who says that we see from this verse that any teacher is obligated to teach his student until his student understands, and to teach his student the full meaning and concept of the law. Rabbi Akiva understood that Moshe’s responsibility was not only to ensure that the Jewish nation as a whole should know Torah, but rather that each and every individual should know Torah. Hashem was instructing Moshe to take personal responsibility as the leader of the Jewish people to ensure that each and every member was given a mastery of Torah knowledge, philosophy and practice.

This seems difficult to understand. Moshe certainly had many responsibilities as the leader of the nation. While it can be understood that Moshe was responsible for the dissemination of Torah in a general sense, we would not expect the individual students to be Moshe’s responsibility. Why would it not suffice for Moshe to make Torah available for the masses, and focus on ensuring that the leadership of the nation should know Torah thoroughly? Let each leader then teach their students. How could Moshe be responsible to worry over the details of so many individuals, while leading a nation through the desert?

Perhaps Rabbi Akiva is teaching us here the essence of what it means to be a Jew. Rav Chaim Volozhin explains in *Nefesh Hachaim* that Torah learning is the most direct means of experiencing and developing a relationship with Hashem. To have a real relationship with someone else, you need to understand the other person and understand how they interrelate with you. Torah study is our window into understanding Hashem and how He relates with us. It is the core of our connection with Him.

This connection and the relationship with Hashem that ensues is the identity of the Jewish people. As Hashem said prior to giving us the Torah – we were to become ‘a treasured nation to G-d.’ (Shemos 19:5) Rabbi Akiva taught that a Jewish nation is comprised of individuals with real, personal relationships with G-d. Moreover, G-d desires that relationship with each and every Jew, and is commanding Moshe – as the leader of the Jewish people – to ensure that each Jew develops this identity. Each and every Jew must be taught Torah in its full measure. As Rash”i tells us prior to the giving of the Torah – if even one Jew is missing, to Hashem that is as though a multitude is missing. (Shemos 19:21 *d”h* “*v’nafal mimenu rav*”) Each individual is precious to Hashem, and Hashem wants to each of us to connect with Him in a real and meaningful relationship of mutual understanding through Torah. Study of Torah is the essence of the Jewish people.

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

Mishpatim – Remember Sinai

By Rabbi Haim Ovadia * © 2024

Immediately following the Ten Commandments, we read a series of instructions that seem a little out of place:

“You shall not make gods of silver and gold, you shall build me an earthen altar and bring your sacrifices there, and I shall come and bless you wherever my name is mentioned. If you build an altar of stone do not build it of hewn stones because you have desecrated them with your sword, and do not ascend my altar by steps lest your nakedness will be exposed upon it.”

Before we delve into these verses let us eavesdrop on a tent in the Israelite’s encampment.

- Let me tell you son, what happened to me when I was about your age, shortly after leaving Egypt. It was the greatest moment of my life. I was standing with all other Israelites, gathered around a mountain in the Sinai desert, when all of a sudden I felt that my soul was connected to the soul of every single person around me and to a higher, much more powerful source of spiritual energy. The whole world became quiet then, and I heard the voice of God talking to me. Imagine, I, who was but a worthless slave yesterday, was now hearing the voice of God. I was overwhelmed, my legs were trembling and my whole body was weakened, I had a tremendous sense of fear but it was one of reverence and awe, not of terror, and it was accompanied with a great sense of joy. I felt that I didn’t want to let go, I wanted to drink that energy in and let it flood my whole being. Yes sir! That was definitely the experience of a lifetime.

- But grandpa, what did God tell you?

- Honest to God, kid, I don’t remember.

As strange as this conversation might sound, I have heard in many cases similar statements from people who have attended classes and lectures they thoroughly enjoyed but could not recall a word of what was said. As a matter of fact, God himself was concerned about the possibility of selective amnesia following the Mount Sinai experience, as we can learn from God’s words to Moses shortly after the event:

“May they [the Israelites] always be of such mind to revere me”)in the recap of the story in Deut. 5:26(. The most sublime spiritual experience and the greatest motivational speech are rendered worthless if the listeners don’t come out with a practical application, something that they can take home and practice on a regular basis to enhance their own spiritual growth. One possible solution is to create a guide that will recapture the most important points of the lecture and will offer a program to be followed in order to maintain the initial spark and enthusiasm, and in the verses and chapters that follow the Ten Commandments. God does just that.

The following chapter in the Torah deals with financial laws, laws of damages, loans and properties. The message is that in order to keep the flame of Sinai alive, one should not indulge in nostalgia and live in the past but rather translate the spiritual experience to daily actions, actions that are carried out throughout our regular work day. Our personality is crafted and our spirituality is enhanced not only by offering prayers and attending services but by paying attention to the small details of our mundane life: How we deal with our employers, employees and clients, how ethically and honestly we run our business and practice, and to what extent are we willing to take responsibility if we caused damage to anyone or infringed upon their rights. The Torah leads us up the road of spiritual growth, and we can see that it is paved by a myriad of small acts of mutual consideration and constant self education.

If we now analyze the verses that immediately succeed the Ten Commandments)Ex. 20:19-23(, we may read them as

follows:

You shall not bow down to gold and silver, rather conduct your business and financial life ethically. Wherever I mention my name, I will come to you and bless you, because you can bring holiness everywhere you go and with everything you do. The reverence of God and the Torah directed life are not limited to the precincts of a Temple, a Tabernacle or a Synagogue. An altar cannot be built of hewn stones, desecrated by the sword, an instrument of war, because if holiness is everywhere there is no place for religious fanaticism and for spreading God's word by means of war and bloodshed. Finally, the Torah warns us not to ascend the altar by steps, an allusion to people who use religion's power as a means to aggrandize themselves and control others.

The Torah places the authority and responsibility of leading a balanced religious life in the hands of every individual, and while in a sense, it de-centralizes religion, it empowers us to create a better world.

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 include Hebrew text, which I must delete because of issues changing software formats. Rabbi Ovadia retains all rights)copyright(to this and all other Devrei Torah that he permits me to share.

A Bissel of Torah from a Tiny Jewish Community

By Rabbi Natanel Kaszovitz *

Auckland, New Zealand Hebrew Congregation **

This week we have the honor of welcoming back, for Shabbat, two previous rabbis of our community: Rabbi Jeremy Lawrence and Rabbi Natti Friedler. It is truly a rare privilege for a community to share such a moment – to have past spiritual leaders return and join us once again.

Just last week we stood together at Har Sinai. We received the Torah and heard the Aseret HaDibrot, the Ten Commandments. Now, as we move forward in Parashat Mishpatim, we begin to hear many of the other mitzvot that shape our covenant with Hashem.

According to the Sefer HaChinuch, there are 53 mitzvot in this parsha alone – one of the few sefarim that carefully counts the mitzvot found in each parsha. Remarkably, the majority of these mitzvot are mitzvot ben adam lechavero – commandments that govern how we treat one another.

The Torah begins these laws in a striking way: with the mitzvot concerning a Jewish servant and their rights. This is not accidental. A nation that was enslaved only weeks earlier is now becoming a free people. And before anything else, we are taught what freedom truly means. Freedom is not simply the absence of chains. Freedom is the moral responsibility to treat others with dignity.

If all a person has known is slavery, cruelty, and oppression, it is very easy to repeat that pattern. The Torah interrupts that cycle. Hashem tells us that the foundation of our covenant is how we treat each other – with fairness, compassion, and integrity. We are commanded to treat others as we would want to be treated. To guard another person's dignity as we would want ours guarded. To respect another's property as we would want ours respected.

This is the essence of a Torah society. This is the measure of true freedom. May we be zoche to continue building our community with kindness, responsibility, and deep care for one another.

Bahavat Yisrael,

Rabbi Netanel

* Rabbi Kaszovitz is now posting his Devrei Torah and classes on You Tube: <https://youtube.com/c/TheNairobisher> .

]Editor's note: If you became Rabbi of the only synagogue in a small, isolated Jewish community, at what level would you direct your Shabbat message for the congregation?]

** Rabbi Kaszovitz, an Israeli ordained at Ohr Torah Stone, previously served as Rabbi in Nairobi, Kenya. He became Rabbi of Auckland Hebrew Congregation in September 2025. Rabbi Moshe Rube, whose remarks I previously posted in this space, is in the process of starting a new Rabbinic position in Australia. Rabbi Rube is waiting for his visa to enter Australia, when he will be able to start his new position. I plan to use this space to include messages from Rabbi Kaszovitz and Rabbi Rube going forward.

Rav Kook Torah Mishpatim: Slavery in the Torah

If a man strikes his male or female slave with a rod, and the slave dies under his hand, the death must be avenged [the master is punished by death]. However, if the slave survives for a day or two, his death shall not be avenged, since he is his master's property.)Exodus 21:20-21(

The Torah portion of Mishpatim deals primarily with laws governing society — personal damages, lending money and articles, manslaughter, kidnapping, and so on. Overall, they fit in well with a modern sense of justice. The laws dealing with slaves, however, are difficult for us to digest.

Why does the Torah distinguish between a mortally wounded slave who dies immediately, and one who lingers for a day or two? Is a slave truly “*his master's property*” In general, does the Torah look favorably on the institution of slavery?

His Master's Property

Slavery, Rav Kook explained, is like any other natural phenomenon. It can be used properly and responsibly, or it can be abused. As long as some people are wealthy and powerful, while others are poor and weak, the wealthy will hire out the poor to do their labor and will control them. This is the basis of natural servitude, which exists even if slavery as a formal institution is outlawed.

For example, coal miners are de facto slaves to their employer, and in some ways worse off than legal slaves. The mine owner often cares more about his profits than his workers. He allows his miners to work without proper light and ventilation, in poorly built mines. The owner is not perturbed that his workers' lives are shortened due to their abysmal working conditions. He is not overly troubled that the mine may collapse, burying alive thousands of miners — he can always hire more.

Yet, if these miners were his legal slaves for whom he paid good money, then the owner would look out for their lives and welfare just as he watches over his machines, animals, and the rest of his property. For this reason, the Torah emphasizes that a slave is his master's property. When it is in the master's self-interest to look after his slave's welfare, the servant can

expect a better, more secure future.]Ed. note: Rav Kook here shows that he is an astute economist.[

Why does the Torah distinguish between a slave who dies immediately after being struck by his master, and one who lingers for a day? The verse specifically mentions that the master struck with a rod, an indication that his intention was not to harm the slave, but to discipline him. If the slave dies due to mistreatment at the hands of his master, we take into account the natural concern that all people have for their possessions. The Torah rules that no death penalty is incurred, “*since he is his master’s property.*” In these circumstances, intentional murder becomes improbable, and the Torah looks for an additional factor — a non-immediate death — to indicate that the death was accidental. The Torah stresses that the goal is to serve justice, not to avenge. Thus the unusual phrasing, “*his death shall not be avenged.*”

The Institution of Slavery

The legalized slavery of the Torah only comes to correct certain potential pitfalls of the natural phenomenon of slavery. As long as slavery exists, the Torah legislated laws to protect slaves from abuse and mistreatment. If an owner knocked out his slave’s tooth, or caused the loss of any other limb, the slave went free. An owner who killed his slave was executed, like any other murderer.

Since the destruction of the Temple, however, the Torah’s positive influence upon general society has greatly weakened. The darkness of the Middle Ages severely corrupted natural forms of life, transforming slavery into a monstrous institution. Instead of protecting the weak by giving them the security of property, slavery became such a horror that humanity decided it needed to be permanently outlawed.

The Torah’s form of servitude must be set aside, until the era when, once again, “*Torah will go forth from Zion.*” At that time, servitude will provide not only financial security, but also moral and spiritual mentorship.

When the heart has once again become a sensitive vessel of integrity and compassion, it is fitting that the morally deficient should be taken under the wings of those righteous and wise.

)*Gold from the Land of Israel*, pp, 139-141. Adapted from *Igrot HaRe’iyah* vol. I, Letter 89, pp. 95-98.(

<https://ravkooktorah.org/mishpatm58>

Mishpatim: Healing the Heart of Darkness (5775, 5782)

By Lord Rabbi Jonathan Sacks, z”l, Former UK Chief Rabbi*

Jobbik, otherwise known as the Movement for a Better Hungary, is an ultra-nationalist Hungarian political party that has been described as fascist, neo-Nazi, racist, and antisemitic. It has accused Jews of being part of a “cabal of western economic interests” attempting to control the world: the libel otherwise known as the *Protocols of the Elders of Zion*, a fiction created by members of the Czarist secret service in Paris in the late 1890s and revealed as a forgery by The Times in 1921.]1[On one occasion the Jobbik party asked for a list of all the Jews in the Hungarian government. Disturbingly, in the Hungarian parliamentary elections in April 2014 it secured over 20 per cent of the votes, making it the third largest party.

Until 2012, one of its leading members was a politician in his late 20s, Csanad Szegedi. Szegedi was a rising star in the movement, widely regarded as its future leader. Until one day in 2012. That was the day Szegedi discovered he was a Jew.

Some of Jobbik’s members had wanted to stop his progress and spent time investigating his background to see whether

they could find anything that would do him damage. What they found was that his maternal grandmother was a Jewish survivor of Auschwitz. So was his maternal grandfather. Half of Szegedi's family were killed during the Holocaust.

Szegedi's opponents started sharing information about Jewish ancestry online. Soon Szegedi himself discovered what was being said and decided to check whether the claims were true. They were. After Auschwitz, his grandparents, once Orthodox Jews, had decided to hide their identity completely. When his mother was 14, her father had told her the secret but ordered her not to reveal it to anyone. Szegedi now knew the truth about himself.

Szegedi decided to resign from the party and find out more about Judaism. He went to a local Chabad Rabbi, Slomó Köves, who at first thought he was joking. Nonetheless he arranged for Szegedi to attend classes on Judaism and to come to the synagogue. At first, Szegedi says, people were shocked. He was treated by some as "a leper." But he persisted. Today he attends synagogue, keeps Shabbat, has learned Hebrew, calls himself Dovid, and in 2013 underwent circumcision)with an ultra-Orthodox mohel(.

When he first admitted the truth about his Jewish ancestry, one of his friends in the Jobbik party said, "The best thing would be if we shoot you, so you can be buried as a pure Hungarian." Another urged him to make a public apology. It was this comment, he says, that made him leave the party. "*I thought, wait a minute, I am supposed to apologise for the fact that my family was killed at Auschwitz?*"²[

As the realisation that he was a Jew began to change his life, it also transformed his understanding of the world. Today, he says, his focus as a politician is to defend human rights for everyone. "*I am aware of my responsibility, and I know I will have to make it right in the future.*"³[

Szegedi's story is not just a curiosity. It takes us to the very heart of the strange, fraught nature of our existence as moral beings. What makes us human is the fact that we are rational, reflective, capable of thinking things through. We feel empathy and sympathy, and this begins early. Even newborn babies cry when they hear another child cry. We have mirror neurons in the brain that make us wince when we see someone else in pain. Homo sapiens is the moral animal.

Yet much of human history has been a story of violence, oppression, injustice, corruption, aggression, and war. Nor, historically, has it made a significant difference whether the actors in this story have been barbarians or citizens of a high civilisation.

The Greeks of antiquity, masters of art, architecture, drama, poetry, philosophy and science, wasted themselves on the internecine Peloponnesian War between Athens and Sparta in the last quarter of the fifth century BCE. They never fully recovered. It was the end of the golden age of Greece. Fin de siècle Paris and Vienna in the 1890s were the leading centres of European civilisation. Yet they were also the world's leaders in antisemitism, Paris with the Dreyfus Affair, Vienna with its antisemitic mayor, Karl Lueger, whom Hitler later cited as his inspiration.

When we are good we are little lower than the angels. When we are bad we are lower than the beasts. What makes us moral? And what, despite it all, makes humanity capable of being so inhumane?]emphasis added[

Plato thought that virtue was knowledge. If we know something is wrong, we will not do it. All vice is the result of ignorance. Teach people the true, the good, and the beautiful and they will behave well. Aristotle held that virtue was habit, learned in childhood till it becomes part of our character.

David Hume and Adam Smith, two intellectual giants of the Scottish Enlightenment, thought that morality came from emotion, fellow feeling. Hume said the most remarkable feature of human nature is the "propensity we have to sympathise with others."⁴[Adam Smith began his *Theory of Moral Sentiments* with the words, "How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it."⁵[Immanuel Kant, the

supreme rationalist, believed that rationality itself was the source of morality. A moral principle is one you are willing to prescribe for everyone. Therefore, for example, lying cannot be moral because you do not wish others to lie to you.

All five views have some truth to them, and we can find similar sentiments in the rabbinic literature. In the spirit of Plato, the Sages spoke of the *tinok shenishba*, someone who does wrong because he or she was not educated to know what is right.]6[Maimonides, like Aristotle, thought virtue came from repeated practice. Halachah creates habits of the heart. The Rabbis said that the angels of kindness and charity argued for the creation of man because we naturally feel for others, as Hume and Smith argued. Kant's principle is similar to what the Sages called *sevarah*, "reason."

But these insights only serve to deepen the question. If knowledge, emotion, and reason lead us to be moral, why is it that humans hate, harm and kill? A full answer would take longer than a lifetime, but the short answer is simple. We are tribal animals. We form ourselves into groups. Morality is both cause and consequence of this fact. Toward people with whom we are or feel ourselves to be related we are capable of altruism. But toward strangers we feel fear, and that fear is capable of turning us into monsters.

Morality, in Jonathan Haidt's phrase, 'binds and blinds'.]7[It binds us to others in a bond of reciprocal altruism. But it also blinds us to the humanity of those who stand outside that bond. It unites and divides. It divides because it unites. Morality turns the "I" of self interest into the "We" of the common good. But the very act of creating an "Us" simultaneously creates a "Them," the people not like us. Even the most universalistic of religions, founded on principles of love and compassion, have often viewed those outside the faith as Satan, the infidel, the antichrist, the child of darkness, the unredeemed. Large groups of their followers have committed unspeakable acts of brutality in the name of God.

Neither Platonic knowledge nor Adam Smith's moral sense nor Kantian reason has cured the heart of darkness in the human condition. That is why two sentences blaze through today's parsha like the sun emerging from behind thick clouds:

You must not mistreat or oppress the stranger in any way. Remember, you yourselves were once strangers in the land of Egypt. Ex. 22:21

You must not oppress strangers. You know what it feels like to be a stranger, for you yourselves were once strangers in the land of Egypt. Ex. 23:9

The great crimes of humanity have been committed against the stranger, the outsider, the one-not-like-us. Recognising the humanity of the stranger has been the historic weak point in most cultures. The Greeks saw non-Greeks as barbarians. Germans called Jews vermin, lice, a cancer in the body of the nation. In Rwanda, Hutus called *Tutsis inyenzi*, cockroaches. Dehumanise the other and all the moral forces in the world will not save us from evil. Knowledge is silenced, emotion anaesthetised and reason perverted. The Nazis convinced themselves (and others) that in exterminating the Jews they were performing a moral service for the Aryan race.]8[Suicide bombers are convinced that they are acting for the greater glory of God.]9[There is such a thing as altruistic evil.

That is what makes these two commands so significant. The Torah emphasises the point time and again: the Rabbis said that the command to love the stranger appears thirty-six times in the Torah. Jewish law is here confronting directly the fact that care for the stranger is not something for which we can rely on our normal moral resources of knowledge, empathy and rationality. Usually we can, but under situations of high stress, when we feel our group threatened, we cannot. The very inclinations that bring out the best in us – our genetic inclination to make sacrifices for the sake of kith and kin – can also bring out the worst in us when we fear the stranger. We are tribal animals and we are easily threatened by the members of another tribe.

Note that these commands are given shortly after the Exodus. Implicit in them is a very radical idea indeed. ***Care for the stranger is why the Israelites had to experience exile and slavery before they could enter the Promised Land and build their own society and state.*** You will not succeed in caring for the stranger, implies God, until you yourselves know

in your very bones and sinews what it feels like to be a stranger. And lest you forget, I have already commanded you to remind yourselves and your children of the taste of affliction and bitterness every year on Pesach. Those who forget what it feels like to be a stranger, eventually come to oppress strangers, and if the children of Abraham oppress strangers, why did I make them My covenantal partners?

Empathy, sympathy, knowledge, and rationality are usually enough to let us live at peace with others. But not in hard times. Serbs, Croats and Muslims lived peaceably together in Bosnia for years. So did Hutus and Tutsis in Rwanda. The problem arises at times of change and disruption when people are anxious and afraid. That is why exceptional defences are necessary, which is why the Torah speaks of memory and history – things that go to the very heart of our identity. We have to remember that we were once on the other side of the equation. We were once strangers: the oppressed, the victims. Remembering the Jewish past forces us to undergo role reversal. In the midst of freedom we have to remind ourselves of what it feels like to be a slave.

What happened to Csanad, now Dovid, Szegedi, was exactly that: role reversal. He was a hater who discovered that he belonged among the hated. What cured him of antisemitism was his role-reversing discovery that he was a Jew. That, for him, was a life-changing discovery. The Torah tells us that the experience of our ancestors in Egypt was meant to be life-changing as well. Having lived and suffered as strangers, we became the people commanded to care for strangers.

The best way of curing antisemitism is to get people to experience what it feels like to be a Jew. The best way of curing hostility to strangers is to remember that we too – from someone else’s perspective – are strangers. Memory and role-reversal are the most powerful resources we have to cure the darkness that can sometimes occlude the human soul.]emphasis added[

FOOTNOTES:

]1[Marcin Goettig and Christian Lowe, “Special Report: From Hungary, far-right party spreads ideology, tactics,” Reuters, <http://www.reuters.com/article/us-europe-farright-special-report-idUSBREA380IU20140409#PUagU6ZvCiQtZgD8.99>)accessed 22 December 2015(.

]2[Ofer Aderet, “Former Anti-Semitic Hungarian Leader Now Keeps Shabbat,” *Haaretz*, October 21, 2013.

]3[Dale Hurd, “Crisis of Conscience: Anti-Semite Learns He’s a Jew,” *Christian Broad-casting Network*, December 6, 2013, <http://www.cbn.com/cbnnews/world/2013/August/Crisis-of-Conscience-Anti-Semite-Learns-Hes-a-Jew/>.

]4[*Of Pride and Humility*, part I., section XI, T 2.1.11.2. 112

]5[*Theory of Moral Sentiments*)CreateSpace, 2013(, 9.

]6[See Shabbat 68b; Maimonides, *Mishneh Torah, Hilchot Mamrim* 3:3. This certainly applies to ritual laws; whether it applies to moral ones also may be a moot point.

]7[Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion*)New York: Pantheon, 2012(.

]8[See Claudia Koonz, *The Nazi Conscience*. Cambridge, MA: Belknap, 2003.

]9[See Scott Atran, *Talking to the Enemy: Faith, Brotherhood, and the)Un(Making of Terrorists*)New York: Ecco, 2010(. The classic text is Eric Hoffer, *The True Believer: Thoughts on the Nature of Mass Movements*)New York: Harper and Row, 1951(.

AROUND THE SHABBAT TABLE:

]1[Do you believe humans are inherently good, inherently bad, or neither?

]2[If being part of a close-knit community (a "tribe") often leads to a lack of empathy for strangers, shouldn't we work towards ending tribal associations?

]3[If the Torah teaches us to care for "the stranger," why do you think there has been so much persecution throughout history?

<https://rabbisacks.org/covenant-conversation/mishpatim/healing-heart-darkness/> 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 Devar.

How to Become a Holy People

By Katia Bolotin * © Chabad

*"If you listen to Me and keep my covenant, you will be a precious treasure to Me among all the peoples. ... You shall be to Me a kingdom of priests and a holy nation."*¹

The narrative of the giving of the Torah is divided into two sections. It begins in Parshat Yitro and extends into this week's Torah reading: Mishpatim.

To become a holy nation, G d provides an action plan. That action plan is the Torah, an ancient narrative expressing Divine wisdom. To grow into "*a kingdom of priests and a holy nation*" requires the development of great sensitivity. The Torah's mitzvot exemplify such heightened sensitivity.

An Example of Holiness

As just one example of how mitzvot help us become a holy nation, let's take a deeper look at the prohibition of mixing milk and meat, which is enumerated three times in the Torah,² the first of which is in this week's portion. This mitzvah is a *chok*, a law we accept as divinely decreed despite its incomprehensibility. Nevertheless, the commentaries do offer some explanations.

Nachmanides,³ a leading medieval rabbi and scholar, explains: "*We must not become a cruel people that is not compassionate, by milking the mother and extracting its milk to seethe therein its kid.*" Avoidance of this moral insensitivity is in keeping with our mission of becoming a holy nation.

The Talmud explains that the three repetitions teach that we are prohibited from cooking, eating, or deriving any benefit from the mixture of meat and milk.

The Torah's prohibitions of other "*mixtures*" are not as extreme. We are prohibited from grafting two species of trees, but we are permitted to eat the fruit resulting from such a graft (that's why we can eat nectarines). Regarding the mixture of wool and linen, we are prohibited from wearing such a garment but not from making it.

Why are such exacting measures taken regarding the mixture of meat and milk, and how does it further our mission of becoming a holy nation?

In Kabbalistic terms, meat represents the Divine attribute of strict judgment (*gevurah*), while milk reflects the attribute of

kindness)chesed(. Thus, the mixture of meat and milk would correspond to the interaction of opposing spiritual forces.⁴ Since judgment and kindness produce opposite effects, their mixture will result in a “corruption” of the spiritual forces that they embody. In other words, mixing meat and milk is harmful to us, spiritually. A “*holy nation*” must be sensitive not only to physical but also spiritual outcomes.

Sparking Enthusiasm Even in the Mundane

We can learn a further lesson regarding sensitivity from a deeper understanding of the scene at Sinai, described at the end of Parashat Mishpatim. “*The glory of G d rested on Mount Sinai, and the cloud covered the mountain.*”⁵ The next verse states: “*The appearance of the glory of G d was like a consuming fire.*”

The Rebbe⁶ points out that at the top of a mountain, nothing grows. Thus, the question can be asked: What was there for the “*consuming fire*” to burn or consume?

Rashi comments that “*the cloud was like smoke.*” The Rebbe notes that it was not actual smoke since there wasn’t any fuel to burn. Rather, the “*consuming fire*” of G d emitted something resembling smoke.

Here comes the heightened sensitivity: The smoke represents the burning desire of the people to escape the confines of corporeal existence and ascend to connect with their Creator. Normally, smoke is made when there is some fuel present. At Mount Sinai, G d suspended normal reality and made a “*consuming fire*” that emanated from the mountain itself — “*fire from a rock.*”

We are to learn from this that even “inanimate” parts of our lives can spark enthusiasm. One can mistakenly think that enthusiasm or “fire” is reserved just for special occasions or for Torah study. It might appear that mundane, petty, chores and actions are disconnected from any higher purpose.

Not so, says the Rebbe. We’re to remember that on Mount Sinai, even the inanimate rock burned. Likewise, even the most simple, mundane acts can be brought alive with the fire and energy of Torah inspiration when directed properly.

Parshat Mishpatim teaches us how to become a holy people. There’s no better time to get started than right now.

Making It Relevant

Develop a current action plan, with realistic goals and timelines, that include regular Torah study and mitzvot observance. Begin to implement your plan by basing decisions and actions on furthering your mission to make yourself part of a holy nation.

Revise and update your plan as you progress.

FOOTNOTES:

1. Exodus 19:3-6.
2. Exodus 23:19, 34:26; Deuteronomy 14:21.
3. Deuteronomy 14:21.
4. Zohar, Parashat Mishpatim, p. 125a.

5. Exodus 24:16.

6. Likutei Sichos vol.16, p275ff.å

* Katia Bolotina, a regular contributor for Chabad.org, focuses on how personal growth harmonizes with the Torah's wisdom and how best to cultivate and maintain it.

https://www.chabad.org/parshah/article_cdo/aid/5817695/jewish/How-to-Become-a-Holy-People.htm

Mishpatim: Love Within Punishment

By Rabbi Moshe Wisnefsky *

For My angel will go before you and bring you to the Amorites, the Hittites, the Perizites, the Canaanites, the Hivites, and the Jebusites, and I will annihilate them.)Ex. 23:23(

In this passage, G-d is informing the people that they would eventually sin and thus forfeit the privilege of being led into the Land of Israel by His presence directly, instead being led by an emissary. Nonetheless, G-d assures them that this emissary will succeed in driving out the nations occupying Canaan in order to facilitate the Jewish people's settlement in it.

We see here that even when G-d deems it necessary to discipline His people, He never ceases to both love us and manifest that love toward us.

Similarly, whenever circumstances require us to administer disciplinary measures, we should do so out of genuine love and concern, making sure, at the same time, to manifest that love to those whom we are disciplining.

* Insights by **the Lubavitcher Rebbe** on the weekly parashat from Chabad's *Daily Wisdom #3* by Rabbi Moshe Wisnefsky.

— from *Daily Wisdom #3*

Gut Shabbos,

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Shabbat Parashat Shoftim

5785 - B"H

Covenant and Conversation

Rabbi Jonathan Sacks, z"l

Power from the Outside or Self-Restraint from Within

This summer, we've seen riots on the streets of London and Manchester on the one hand, Tripoli on the other. On the face of it there was nothing in common between them. In London the rioters were holding rocks. In Tripoli they were holding machine guns. In Libya they were rioting to remove a tyrant. In London they were rioting for clothes and flatscreen televisions. There was only one thing in common, namely that there were riots. They reminded us, as John Maynard Keynes once said, that civilisation is a thin and precarious crust. It can crumble easily and quickly.

The riots in both places, in their different ways, should make us think in a new way about the unique political project Moses was engaged in the parsha of Shoftim, and in the book of Deuteronomy as a whole.

Why do crowds riot? The short answer is, because they can. This year we have seen the extraordinary impact of smartphones, messaging systems and social network software: the last things, one might have thought, to bring about political change, but they have done so in one country after another in the Middle East – first Tunisia, then Egypt, then Libya, then Syria, and the reverberations will be with us for years to come. Similarly in Britain, though for quite different reasons, they have led to the worst, and strangest, riots in a generation.

What the technology has made possible is instant crowds. Crowd behaviour is notoriously volatile and sweeps up many kinds of people in its vortex. The result has been that for a while, chaos has prevailed, because the police or the army has been caught unawares. The Torah describes a similar situation after the sin of the Golden Calf: "Moses saw that the people were running wild and that Aaron had let them get out of control . . ." Ex. 32:25

Crowds create chaos. How then do you deal with crowds? In England, the reaction is a call

for more police, zero tolerance, and tougher sentencing. In the Middle East, we do not yet know whether we are seeing the birth of free societies or a replacement of the tyranny of a minority by the tyranny of the majority. However, it seems to be a shared assumption that the only way you stop people robbing one another or killing one another is by the use of force. That has been the nature of politics since the birth of civilisation.

The argument was stated most clearly by Thomas Hobbes in the 17th century, in his political classic, Leviathan. Without the use of force, Hobbes said, we would be in a state of nature, a war of all against all in which life would be "nasty, brutish and short." What we have witnessed in both Britain and the Middle East has been a vivid tutorial in Hobbesian politics. We have seen what a state of nature looks like.

What Moses was proposing in Devarim was fundamentally different. He assembled the people and told them, in so many words, that there would be social order in the new land they were about to inherit. But who would achieve it? Not Moses. Not Joshua. Not a government. Not a tyrant. Not a charismatic leader. Not the army. Not the police. Who would do it. "You," said Moses. The maintenance of order in Deuteronomy is the responsibility of the entire people. That is what the covenant was about. That is what the Sages meant when they said kol yisrael arevin zeh bazeh, "All Israel are responsible for one another." Responsibility in Judaism belongs to all of us and it cannot be delegated away.

We see this most clearly in this week's parsha, in the law of the king.

When you enter the land the Lord your God is giving you and have taken possession of it and settled in it, and you say, "Let us set a king over us like all the nations around us," be sure to appoint over you a king the Lord your God chooses . . . The king must not acquire great numbers of horses for himself . . . He must not take many wives . . . He must not accumulate large amounts of silver and gold. Deut. 17:14-17

Note the strange way the command is phrased. "When you say . . ." Is this an obligation or a

permission? The people may call to have a king, "Like all the nations around us" – but the entire thrust of the Torah is that the Israelites were not to be like the other nations. To be holy means to be different, set apart. "The king must not . . . must not . . . must not." The accumulation of prohibitions is a clear signal that the Torah sees the institution as fraught with danger. And so it was. The wisest of men, Solomon, fell into all three traps and broke all three laws. But that is not the end of the Torah's warning. Even stronger words are to follow:

When he takes the throne of his kingdom, he is to write for himself on a scroll a copy of this Law . . . It is to be with him, and he is to read it all the days of his life so that he may learn to fear the Lord his God and follow carefully all the words of this law and these decrees and not consider himself better than his fellow Israelites. Deut. 17:18-20

Only one man is commanded in the Torah to be humble: the king.

This is not the place to go into the famous disagreement among the commentators as to whether appointing a king is a command or not. [1] Maimonides says it is an obligation. [2] Ibn Ezra says it is a permission. [3] Abarbanel says it is a concession. [4] Rabbeinu Bahya says it is a punishment. The Israelites, a nation under the sovereignty of God, should never have sought a human leader. In the words of Avinu Malkeinu, "Ein lanu melech ela atah," "We have no other king but You."

The point is, however, that the Torah is as far removed as possible from the world of Hobbes, in which it is Leviathan – his name for absolute monarchy, the central power – who is responsible for keeping order. In a Hobbesian world, without strong government there is chaos. Kings or their equivalent are absolutely necessary.

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Moses is articulating a quite different view of politics. Virtually every other thinker has defined politics as the use of power. Moses defines politics as the use of self-restraint. Politics, for Moses, is about the voice of God within the human heart. It is about the ability to hear the words, "Thou shalt not." Politics in the Torah is not about the fear of the government. It is about the fear of God.

So radical is this political programme that it gave rise to a phenomenon unique in history. Not only did Jews keep Jewish law when they were in Israel, a sovereign state with government and power. They also kept Jewish law in exile for 2000 years, when they had no land, no power, no government, no army, and no police.

Rabbi Levi Yitzhak of Berdichev once said: "Master of the universe, in Russia there is a Czar, an army and a police force, but still in Russian houses you can find contraband goods. The Jewish people has no Czar, no army and no police force, but try finding bread in a Jewish home on Pesach!"

What Moses understood in a way that has no parallel elsewhere is that there are only two ways of creating order: by power from the outside or self-restraint from within; either by the use of external force or by internalised knowledge of and commitment to the law.

How do you create such knowledge? By strong families and strong communities and schools that teach children the law, and by parents teaching their children that "when you sit in your house or when you walk by the way, when you lie down and when you rise up."

The result was that by the first century Josephus could write, "Should any one of our nation be asked about our laws, he will repeat them as readily as his own name. The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls."

This is a view of politics we are in danger of losing, at least in Europe, as it loses its Judeo-Christian heritage. I have argued, in many of these essays and several of my books, that the only country today that retains a covenantal view of politics is the United States. It was there, in one of the great speeches of the nineteenth century, that Abraham Lincoln articulated the fundamental idea of covenant, that when there is "government of the people, by the people, for the people," there is a new birth of freedom. When only police or armies stand between order and riots, freedom itself is at risk.

Shabbat Shalom: Rabbi Shlomo Riskin

The Levitic kohanim, the entire tribe of Levi, shall have no portion or inheritance with Israel; the Lord's fire offerings and His inheritance they shall eat. But he shall have no inheritance among his brothers; the Lord is his inheritance, as He spoke to him." (Deut.18:1-2)

What is the essence of the exalted Hebrew month of Elul, the auspicious 30-day period of time prior to the Days of Awe in which, according to Hasidic philosophy, "The King is in the Field," when God is, as it were, more accessible to us than throughout the year?

How might we best prepare ourselves to meet the King while He is "in the field"? I believe that the story of Velvel, a Soviet refusenik I met in Riga, Latvia in the month of Elul 5730 (1970), offers an answer to this question.

Due to my intensive involvement on behalf of Soviet Jewry in the late 1960's, I was summoned to a meeting in Crown Heights (Brooklyn, NY) with the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson of blessed memory. The Rebbe, z"l, asked me to be his shaliach (emissary) to establish centers of Torah learning in several cities in the Soviet Union, Moscow, Leningrad, Riga and Vilna, a mission that I felt honored to accept.

I filled my luggage with siddurim (prayer books), tallitot (prayer shawls), tefillin, and other holy objects for the Jews suffering behind the Iron Curtain, and flew, via Vienna, to the lion's den. During my two-week mission, I surreptitiously distributed these holy items to Jews in Moscow and Leningrad, before arriving in Riga, where I spent Shabbat.

On Friday night, I met a gentleman named Velvel in the city's main synagogue.* During a long conversation after dinner, Velvel told me with deep sincerity that there was nothing in the world he wanted more than a new tallit, since the tallit that he had received when he turned Bar Mitzvah was in tatters. Armed with my remaining supply of Judaica, I gave one to him discreetly, which brought an ear-to-ear smile to his otherwise forlorn face.

The next day, during Shabbat morning services at the synagogue, Velvel entered the sanctuary proud as a peacock in his brand-new, sparkling blue and white tallit. I was mortified, as the KGB agents who had accompanied me to the synagogue would surely surmise that I, the outside agitator, was the source of this tallit.

As the cantor led the Torah processional through the cavernous, mostly empty sanctuary, Velvel drew near, and lifted the tzitzit (ritual fringes) of the tallit, in order to touch them to the Torah scroll and then kiss them.

Likutei Divrei Torah

The cantor, seeing Velvel, dramatically stopped the procession. A frosty silence overcame the sanctuary. Time seemed to freeze. Velvel's arm, outstretched in the direction of the Torah scroll, hung in mid-air suspended. The cantor stared at Velvel with disdain. Velvel reciprocated, keeping his arm extended in the direction of the Torah scroll.

The minute-long staring match went on for what seemed forever, with neither the cantor (who it turns out was also a KGB agent) nor Velvel giving an inch. Abruptly, Velvel screamed at the cantor in Yiddish:

"Ich hob nit kein moyreh!" (I am not afraid!) You've already taken everything that you can take away from me! When I began to come to shul and I lost my job as a result, my wife left me and she took the children with her. I have no job; I have no family. The only thing I have is my Jewish tradition. The only thing I have is this tallit. Ich hob nit kein moyreh. I am not afraid!"

The cantor, lowering his eyes in acknowledgment of Velvel's sacrificial position, resumed the procession. Slowly and triumphantly, Velvel touched the Torah with the tzitzit and delicately kissed them. He had made a profound statement to everyone present: ultimately, we have nothing in life except for God, His Torah, and His commandments. Nothing else truly matters.

This unforgettable, chilling story provides an invaluable insight into an enigmatic law of the Torah found in this week's reading. Shoftim stipulates that the Levites are to have no share in the inheritance of the Land of Israel. This seems rather unjust! In fact, Maimonides (Hilchot Shmittah v'Yovel, 13:12) asks and answers why this should be the case:

Why did the Levites not receive a portion in the inheritance of Eretz Yisrael...like their brethren? Because they were set aside to serve God and minister unto Him and to instruct people at large in His just paths and righteous judgments...He provides for them, as [Num. 18:20] states: "I am your portion and your inheritance."

This is the main lesson taught by my friend Velvel and the fundamental lesson of the month of Elul. This splendid time comes to remind us of our true purpose on this earth, to live a life dedicated to God. In the final analysis, nothing else matters. This does not require that we adopt an ascetic lifestyle alone on a mountaintop; on the contrary, a true life of holiness involves interacting with and relating to others.

Nevertheless, as Velvel demonstrated in Elul 5730 (1970), and as Maimonides wrote, to live

a life dedicated to God is to acknowledge that ultimately, all we have is God, His Torah, and His commandments. Everything else is transitory and illusory. It is no wonder that it is precisely during this season that people are more prepared than usual to internalize this message. Perhaps this is because, indeed, "The King is in the Field." Let us go out to greet Him.

Torah.Org: Rabbi Yissocher Frand

The Epiphany of Rabi Yishmael ben Elisha: How Great Are the Words of the Sages! Parshas Shoftim contains the mitzvah to appoint a king. The Torah lists some of the restrictions placed upon a Jewish monarch. Among them is that he should not own too many horses (lest he bring the nation back to Egypt). (Devorim 17:17) In those days, horses came from Mitzrayim, and the need for a large stable of horses would necessitate the establishment of a Jewish horse acquisition center in Mitzrayim, which was not in accordance with the Divine will. Additionally, the king was not permitted to marry too many wives, lest they turn his heart astray. Nor was he allowed to hoard too much gold and silver.

By Biblical law, a commoner has no restrictions regarding the number of simultaneous wives that are permitted. However, a king is limited to eighteen wives. A famous Gemara (Sanhedrin 21b) teaches that Shlomo felt that these laws applied to all other Jewish monarchs, but not to him. He reasoned (regarding his multiplicity of wives), "I will be able to exceed the limit and not be led astray." As the Navi says, Shlomo did in fact exceed the limit — he had a thousand wives. But despite his feeling that he could exceed the limit and not worry about being led astray, his wives did turn his heart astray. (Melachim I 11:1-4)

The obvious question is — how could this happen to Shlomo HaMelech, the wisest of all men? Shlomo was the smartest man who ever walked the face of the earth, even smarter than Moshe Rabbeinu! He was not a Navi on the level of Moshe Rabbeinu, but in terms of chochma, he had no match! We would think that he would be smart enough to figure this out and think to himself, "No. I am not going to do something that the Torah forbade." Where did he go wrong? How did he make this mistake?

Similarly, we can ask about an incident mentioned in the Gemara (Shabbos 12b). The Gemara forbids reading on Shabbos by candlelight (lest someone forget that it is Shabbos and tilt the candle or attempt to fix a flickering wick, which would be forbidden on Shabbos). The Gemara relates that a certain Tanna, Rabi Yishmael ben Elisha, thought to himself, "I can read by candlelight without being in violation of any Shabbos prohibition."

He basically fell into the same trap as Shlomo HaMelech. He felt that his level of yiras shamayim was such that he would not come to accidental chilul Shabbos. In fact, it is brought down in Shulchan Aruch that a person is permitted to daven (pray) from a Machzor on Yom Kippur by candlelight "because the fear of Yom Kippur is upon him." Rabbi Yishmael held that "my regular Shabbos is like everyone else's Yom Kippur."

The Gemara relates that there came a time when Rabi Yishmael ben Elisha was reading by candlelight on a Friday night and almost came to tip the candle towards himself. At the last second, he caught himself and remarked "How great are the words of the chachomim (sages), who legislated that a person must not read (on Shabbos) by candle light."

We can ask two questions here: (1) Why did Rabi Yishmael ben Elisha make the same mistake that Shlomo made? (2) Why did it take this incident to cause him to recognize "How great are the words of the chachomim"?

Rav Elya Baruch Finkel (one of the Roshei Yeshiva in the Mir, Yerushalayim) cites a very important principle regarding this from Rav Aharon Kotler, zt"l:

As we have said many times, there are certain immutable laws of nature that cannot be changed. Just like there are certain laws of nature and physics, there are also certain laws of metaphysics or spirituality. The laws of physics are such that if someone throws something up, it is going to come down. This is due to the "Law of Gravity." No matter how fast or how powerfully something is thrown upward, eventually it is going to come down. A person cannot change the laws of physics.

The same is true regarding the laws of spirituality: Once the Torah writes something, it becomes an immutable law of spirituality. Given the fact that the Torah wrote: "He shall not take too many wives, lest they cause his heart to stray..." that became a reality such that just as no one can deny or break the law of gravity, this law cannot be broken either!

This was the mistake of Shlomo haMelech. Certainly, he knew that this prohibition was recorded in the Torah, but despite all his great wisdom, he did not recognize the power of something being recorded in the Torah. Rav Aharon Kotler references the Kabbalistic teaching (in the Zohar on Parshas Terumah) that the Almighty "looked into the Torah and created the world". This teaching implies that the world and the Torah were not two independent creations, but rather, the Torah preceded the world and in fact was the blueprint for the creation of the world. If the Torah says that a king having too many wives will lead his heart astray, that becomes the

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reality. That is how HaKadosh Baruch Hu created his world. Just like the sun rises in the East and sets in the West, this too is a reality of creation. This is what Shlomo haMelech failed to realize.

The Chazon Ish writes in his Emunah u'Bitachon that when the Torah writes that a bribe will blind the eyes of the wise, it becomes a law of spiritual nature. No one can claim that he is so honest that a bribe will not affect him. Baloney! You take money? You are bought!

There is a famous incident involving Rav Chaim Soloveitchik. Every once in a while, the Russian Government would try to introduce secular studies into the Volozhin Yeshiva. Every time a Russian official would come in and try to investigate how much Russian culture was being studied in the Yeshiva, the administration would resort to the time-honored tradition of bribing the government official. That is the way life worked in Russia. (I am not suggesting that you try doing this with the Baltimore County police if you get pulled over for speeding, but in Czarist Russia, that is how it worked!)

There was a new minister of education who had a reputation for refusing all bribes. This fellow was straight as an arrow. He could not be bought! The Yeshiva administration was in a panic. "This fellow will come and see we are not teaching Russian subjects. He does not take any bribes. What is going to be?" Reb Chaim said, "Don't worry. I will take care of this minister."

Reb Chaim went to the office of this minister of education in the middle of July wearing a fur coat and a fur hat as if it was the middle of January. The minister looked at him as if he was crazy. He asked, "Why are you dressed like that?" Reb Chaim responded, "My mother came to me in a dream last night and told me that tomorrow the temperature is going to drop 100 degrees and it will be 10 degrees below zero!" The minister looked at him and said, "With all due respect to your late mother, I assure you this is not going to happen in the middle of July." Rav Chaim insisted, "My mother told me. That is the way it is going to be!"

The minister was incredulous and became even more incredulous when Reb Chaim told him "I am willing to put money on it!" He simply could not resist when Reb Chaim told him "I am willing to bet you 100 rubles that tomorrow the temperature will drop 100 degrees and it is going to be 10 degrees below zero!" The minister gladly took the bet. Reb Chaim came back the next day. It was still 90 degrees outside, and Reb Chaim gave the minister the 100 rubles.

Reb Chaim then returned to the Yeshiva and confidently told the rest of the administration, "The minister of education is in my pocket!" Reb Chaim understood that once a person takes money, he becomes blinded, just as the Torah decrees. Once the Torah states that a person's attitude changes towards any person from whom he takes money, that becomes an immutable law of spiritual nature that impacts even the most honest person in the world!

Rav Baruch Finkel cites these incidents to explain the Gemara in Shabbos with Rabi Yishmael ben Elisha. The chachomim said "A person should not read on Shabbos by candlelight lest he (unthinkingly) tip the candle towards himself." Rabi Yishmael thought "this does not apply to me!" He thought that Shabbos by him was like Yom Kippur by everyone else!

In the end he almost moved the wick. At that moment, he proclaimed, "How great are the words of the chachomim..." In other words, I already knew that when the Torah states a prohibition (such as that a king should not take too many wives lest they cause his heart to stray, or that a judge should not take a bribe lest his eyes be blinded), it creates an immutable spiritual reality. But I did not realize that this even applies to rabbinic prohibitions – that the words of the chachomim also create such a reality. However I never realized that a decree of the Sages (such as we don't read by candle light on Shabbos lest you tip the wick) could also change reality! Now I realize that even the Rabbis have the power by their decrees to change spiritual reality and guarantee that one who violates their decrees will transgress the sin they were warning against.

Rav Yisrael Salanter's Observation Sheds Light on the Ibn Ezra's Novel Interpretation

The following insight from later in the parsha also comes from Rav Eliyahu Baruch Finkel.

By the laws of "Eglah Arufah" (the decapitated calf), the Torah records the declaration of the Beis Din who proclaim: "Kaper l'amcha Yisrael asher padeesa." (Atone for Your nation Israel that you redeemed) What exactly is the nuance of the expression "asher padeesa"? The simple understanding is that the expression refers to all of Klal Yisrael in all generations. The Ribono shel Olam took us out of Mitzrayim (m'beis avadim pedeesanu...) therefore we (in all generations) are the nation of the Almighty, whom He has redeemed!

The Ibn Ezra interprets differently. He says that Kaper l'amcha Yisrael asher padeesa is not referring to Jews in general. It is referring specifically to that generation of Jews who were redeemed from Mitzrayim. The Beis Din proclaims: Grant atonement now to that

generation of Jews that You took out from Mitzrayim then!

However, this pasuk is referring to a time that was hundreds of years after Yetzias Mitzrayim. What does the Ibn Ezra mean? Why do Klal Yisrael who came out of Mitzrayim need atonement for the finding of a dead body in the time of the Shoftim or in the time of the Melachim? What did they do?

Rav Finkel cites a very famous incident involving Rav Yisrael Salanter. There was once a poor shoemaker in Vilna. As fate would have it, the fellow made the right investments and he turned into a very wealthy individual. After his change in fortune, he made a wedding for his son and chose to make it at the fanciest wedding hall in all of Vilna.

There was another wealthy Jew in Vilna who could not stomach the fact that this one-time pauper was now marrying off his son in such a lavish setting. "This shoemaker, suddenly thinks he is 'one of us' and can make a chassanah in this hall!" As the father of the groom was walking his son down to the chuppah, this other wealthy Jew took off his shoe and showed it to the father and asked, "How much does it cost to repair the sole of this shoe?" In other words, he was trying to tell him, "You are still nothing more than a simple shoemaker."

When Rav Yisrael Salanter heard about this incident he commented, "What a hashchasa of midos!" (disgusting example of basic human behavior). He noted that such a hashchasa of midos did not just start yesterday. This rot existed for maybe hundreds of years. As is the case with decay, rot grows over time. Perhaps it started out in Vilna generations ago that someone breached a minor matter of etiquette, a small lack of "dikdook b'midos," that has now evolved and metastasized into this horrible event.

Rav Yisrael Salanter said that the gedolim and the leaders of the community three hundred years earlier who saw that original infraction of proper etiquette and did not object, are now being held accountable for not objecting then when someone did something which was not 100% correct. Therefore, they need atonement now!

That is what the Ibn Ezra means. Someone was murdered and it is not known who smote him. This could now be hundreds of years post Yetzias Mitzrayim. But the generation of the exodus did not correct something that they should have corrected at that time. Therefore, says the Ibn Ezra, this is what the pasuk means: Atone for your nation Israel asher padeesa (whom you redeemed) – meaning the generation of the Wilderness! They need a kappara because if this can happen that a

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person is murdered hundreds of years later, it is because something went wrong way back then, and they were responsible.

Such things don't happen overnight. They grow as a malignancy, and their source must be traced to many generations prior to the actual despicable event.

Dvar Torah: Chief Rabbi Ephraim Mirvis

Every time we walk into our homes, we're reminded of the fact that the peace of our homes is built on compromise.

Now why do I say this?

In Parshat Shoftim, there is a famous commandment: 'Tzedek, Tzedek tirdof' – 'justice, justice, you must pursue'.

Many commentators throughout the millennia have asked the same question, why is there the repetition of the word 'tzedek', of justice?

The Gemara Imasechet Sanhedrin Daf Lamud Bet Amud Bet tells us 'echad ledin v'echad lifshara' – the first tzedek comes to tell us about a courtroom scenario, where justice must be dispensed.

The second Tzedek comes to teach us about 'peshara', about compromise.

We should strive to smooth over differences, to reach an understanding, to build cooperation and to achieve peace without having to go to third parties... without having to bring the issue to a court of law.

One of the finest methods to achieve this is 'peshara', it is compromise.

The Hebrew word for compromise, 'peshara', actually describes what a compromise is beautifully, because it comes from the term 'mayim poshrim', which means warm water.

You see, the hot water can claim, 'this water is actually hot, but it's just cooled down a bit', and the cold water can say, 'actually it's cold water, but it has warmed up somewhat'.

Therefore it is a win-win for all sides.

In Ashkenazi circles, a 'mezuzah' is at an angle.

That's because some say it should be vertical whilst some say it should be horizontal, and that is why we put it at an angle, so that we subscribe to all views.

It's a compromise and that is how through just walking into our homes and looking at the mezuzah, we are reminded that it's through compromise that we can achieve Shalom

Bayit, that we can have happy and healthy domestic environments, that ultimately, we as a people can thrive.

Ohr Torah Stone Dvar Torah

How Do We Approach Our Personal and Collective Battles? - Aliza Goldberg

Have you ever tried to achieve something, only to discover that despite your efforts, nothing seems to go as planned?

This might be the case when it comes to your marriage; as a parent; in your search for a job; when trying to put into effect a new idea you have had, or even when interacting with your students. In these moments, feelings of failure, despair, and frustration often take hold. You feel lost and all alone in the world, while reality seems to loom large. Have you ever felt this way?

If the answer is yes, there are a few ways people typically respond.

Some give up and let life take control. They get drawn into the distractions the world offers because they no longer have the strength to keep trying. It's understandable – after all, they've tried many times before, and things have simply not worked out.

Others refuse to give in. They seek out external sources of strength to find the courage and motivation to succeed.

But our parsha offers a different approach: "When you go out to battle against your enemies and see horses and chariots, a people more numerous than you, do not be afraid of them, for Hashem your God, who brought you out of the land of Egypt, is with you." (Devarim 20:1)

This verse resonates deeply, especially in light of the ongoing Swords of Iron war. Each of us is engaged in our personal battles, while also confronting the broader struggle facing our nation.

This week's Torah portion teaches us how to engage in battle. On the national level: we are up against a terrifying and threatening reality—a "people more numerous than you." We are living through a difficult war that strikes us from every direction: the north, the south, Judea, and Samaria. It's frightening, frustrating, and confusing.

On the personal level, each of us faces battles in our own lives—within our family circle, at work, in our relationships, or even with our health. Sometimes it seems as though reality is overwhelming, leading us into fear as we begin to imagine larger-than-life threats against us and our world.

But in truth, we've forgotten something essential that changes the entire equation: we are not alone! This is no revolutionary concept, but sometimes we need a reminder that God is with us always!

Reality can be intimidating when we are disconnected from the inner, Divine strengths that exist within each of us.

But the moment we recall who we are, where our strength comes from, and who is truly in charge—then no horse, chariot, Hezboallah, Hamas, the media or other fearmongers can intimidate us. Everything shrinks in comparison to our boundless strength!

In Parshat Ki Tetze, it says: "When you go out to war as a camp, guard yourself..." The Sifrei comments: "When you go out, you should do so as a camp." Our Sages interpreted the words "your camp" [mentioned a few verses later in the same context] to mean the limbs of a person.

In other words, one must gather all one's desires and one's entire soul to dedicate oneself to fulfilling God's will. This is the personal battle each of us faces. Moreover, when we go out as a camp, we go out together—both as a nation as well as a collective standing united before God. This also entails the understanding that we and He are part of the same camp. Once we realize that God Himself is a part of our camp, we can feel shielded from all harm, protected from all evil.

This understanding captures the essence of Elul, which is also an acronym for Ani Le'dodi ve'Dodi Li ("I am my Beloved's and my Beloved is mine."): When we turn to the Beloved [denoting God] and recognize that He governs reality and provides us with the strength to overcome any battle, both external and internal, we realize that we are in the same camp. Subsequently we can attain "...and my Beloved is mine." – God turns toward us, empowering us even more. It is then that the words of Psalms [27:3] are fulfilled: "If an army encamps against me, my heart will not fear," because the Beloved is right there beside us. Hence, it becomes clear that we are never truly alone in any given challenge; on the contrary, we possess tremendous strength to keep trying, again and again.

May we continuously feel the reassurance of the words in the same chapter of Psalms "–in this I trust" – and become infused with the strength to stand firm against our external and internal enemies. And may the redeemer soon come to Zion, speedily in our days.

To Do the Will of Our Father in Heaven

The central authority for determining all issues of halacha is the Sanhedrin that sat in the Beis Hamikdash, and in Parshas Shoftim we are instructed not to deviate from their decisions. There is a fundamental dispute between the Rambam and the Ramban as to the parameters of the mitzva to listen to the words of the Sanhedrin. The Rambam divides halacha into three categories, the first of which is the portion of halacha that was transmitted orally by Hashem to Moshe and subsequently from generation to generation. If a question arises within this area of halacha, the final authority is the Sanhedrin, and one who refuses to follow the tradition of the Sanhedrin in this realm violates the positive and negative commandments which mandate listening to the Sanhedrin.

A second category of halacha that the Sanhedrin also has the ultimate authority to decide is application of middos she'haTorah nidreshes bohein. Hashem taught Moshe how to extrapolate new applications of halacha using the rules of interpretation that were transmitted to him. Different opinions that would emerge as to how to apply these rules would be subject to the majority view of the Sanhedrin.

The third category of halacha, which the Rambam also subsumes under the authority of the Sanhedrin, is questioned by the Ramban. Throughout history Chazal instituted new halachos known as dinim d'Rabanan. Laws such as lighting Chanuka candles and refraining from not moving muktza were added by Chazal for various reasons. The Rambam views the obligation to follow these rulings as part of the Torah commandment to listen to the Sanhedrin. One who doesn't observe dinim d'Rabanan is in violation of the positive and negative commandments of following the Sanhedrin just as one who refuses to submit to the Sanhedrin's authority in the first two aforementioned areas of halacha. It is this third ruling of the Rambam that the Ramban disagrees with, and argues that dinim d'Rabanan are not included in the pesukim in Parshas Shoftim that mandate the authority of the Sanhedrin. If the Ramban is correct, then what is the ultimate source for being required to follow dinim d'Rabanan? It is obvious that such an obligation must exist, yet its source is unclear.

Rav Elchonon Wasserman offers an approach to understand the role of dinim d'Rabanan according to the Ramban. It is incumbent upon everyone to do the will of Hashem. How do we know what Hashem wants of us? There are two ways to attain this knowledge. Hashem told us explicitly what He wants us to do and what not to do. The six hundred and thirteen

mitzvos, with the interpretation of the Torah she'b'al peh, is the revealed will of Hashem. However, part of Hashem's will we are supposed to discover on our own. How can a human being possibly understand the will of Hashem without being told so explicitly? When two people know each other well it is not always necessary to express what one wants from the other. Spending time together and listening to one another will help develop a mutual understanding such that they are attuned to each other's wants even if they are not articulated. A similar relationship can be developed with Hashem, enabling one to understand what Hashem wants of us even if He chooses not to tell us explicitly. The Sanhedrin, which was comprised of the greatest talmidei chachamim of the generation, was able to discern the will of Hashem. By understanding the revealed word of Hashem, the Sanhedrin knew how to apply the will of Hashem in situations in which Hashem did not give a direct command. Dinim d'Rabanan are examples of that will of Hashem. There was no explicit command to light Chanuka candles or not to move muktza. Chazal, through their deep understanding of Torah, realized that those and other practices that are d'Rabanan are the will of Hashem.

This explanation of dinim d'Rabanan according to the Ramban is similar to other themes presented by the Ramban that focus on the unstated dimension of the will of Hashem. Commenting on the mitzva of resting on Shabbos and Yom Tov, the Ramban depicts how one could technically observe these mitzvos and completely undermine the sanctity of these days. Merely refraining from melacha by circumventing the actual halachic restrictions does not fulfill the will of Hashem. Chazal understood that for Shabbos and yom tov to conform to that will, various dinim d'Rabanan had to be instituted. What we sometimes describe as "not in the spirit of Shabbos" is actually a violation of Hashem's will even if not necessarily a breach of His actual law. A similar theme is expressed by the Ramban in his interpretation of "Kedoshim Tihiyu - You should be holy." This is an all-encompassing requirement to live our lives in a holy manner, and not to satisfy ourselves will just not violating any explicit mitzva. The details of kedusha are not delineated, but Chazal guide us as to what appropriate behavior is that reflects the will of Hashem.

The letter of the law and its spirit are also present in our interpersonal relationships. Hashem gave us an entire body of intricate laws that govern our behavior to our fellow man. Yet, Chazal extol the significance of "lifnim mi'shuras ha'din", i.e. acting in a way that goes above the letter of the law. Hashem Who is rachum v'chanun expects us to act in a similar way. Although we are not specifically

commanded to do so, doing the will of Hashem necessitates acting in such a fashion.

In our relationship with Hashem and with our fellow men we look to Chazal for guidance in fulfilling Hashem's will. Without proper Torah knowledge it is impossible to determine what Hashem truly wants of us. May we merit, in all of our endeavors, to reach the goal of " לעשות רצון אבינו שבשמים - To do the will of our Father in Heaven."

Mizrachi Dvar Torah

Rav Doron Perez

Political Power: Good or Bad?

There is no force on earth as powerful and transformative as political power.

When all the machinations of the state through political leadership are galvanized, it is an unmatched and unparalleled force of good and, G-d forbid, evil. Examples in history abound, the most infamous, of course, is the Nazi regime who caused the death of not only 6 million Jews, but 60 million civilians across Europe – a country galvanized for death and destruction. Soon thereafter, there was the Truman Doctrine and the Marshall Plan, the rebuilding of Europe, an incredible act of good almost unparalleled in human history.

It is this dichotomy at the heart of political leadership, which makes the mitzva to appoint a king – which appears in this week's parasha – so contradictory and full of so much ambivalence. On the one hand it is a mitzva, as Rambam rules: it is an ideal mitzva and the first collective one the Jewish people have to fulfill when they come into the Land. But the Abarbanel, who was close to the kings in Spain and Portugal, and saw the challenges and the misuse of power, says it is not ideal and perhaps even a necessary evil, something we would prefer to do without.

This is why the mitzva to appoint a king is presented in such a dichotomous way – on the one hand we are told "you should appoint for yourselves a king," but on the other hand it is presented with a condition that it is only if you ask for a king and in a negative way: "if you want a king like the nations of the world." In the Book of Shoftim, before we had kings, there was disunity – and a king was necessary to unite the people. But on the other hand, when a king was asked for, they wanted to copy the nations of the world and Shmuel the Prophet was against it.

This contradiction and ambivalence exists because at the heart of political power, there is so much concentrated power in their hands. For this reason, our parasha is clear on the division of powers – no one has absolute powers. The king has certain powers, the courts have certain powers, the Navi (Prophet)

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has certain powers, and so does the Kohen Gadol (High Priest).

As we struggle in Israel today for the correct division of power, it is absolutely clear that neither the political leadership nor the courts should have absolute power. The power belongs to the people, and the people have to find those mechanisms where the power is fairly and equally split. Then, ultimately, the absolute power at the heart of a country and state will be divided in the correct way. We hope and pray that this balance of power is achieved so we can forge a transformative and positive society moving forward.

Yeshivat Har Etzion: Virtual Bet Midrash

Rav Yishai Jeselsohn

Kings, the Fear of Heaven, and the Fear of Man

I. The Appointment of a King – An ideal mitzva, or a response to the request of the people? - When you come to the land which the Lord your God gives you, and shall possess it, and shall dwell therein; and shall say: I will set a king over me, like all the nations that are round about me; you shall surely set over you a king in whom the Lord your God shall choose; you shall set a king over you, from among your brothers; you may not put a foreigner over you, who is not your brother. (*Devarim* 17:14-15)

The passage containing the laws pertaining to a king is shrouded in mystery. The vague wording of the commandment leaves us uncertain: Is it God's will that the people of Israel have a king, as the ideal and desired situation? Or does the Torah relate to the appointment of a king only as a response to the people's request, a request that might even be seen as reflecting a flaw in their faith? In yeshiva jargon, the question can be formulated as follows: Are we dealing here with an obligatory mitzva, whose fulfillment demanded by God, or is it an optional mitzva, which need not necessarily be fulfilled, but which – if the people of Israel choose to fulfill it – must be performed in accordance with certain laws?

This question is subject to an Amoraic dispute in the Gemara in *Sanhedrin*: And thus Rabbi Yehuda said: Three commandments were given to Israel when they entered the land: to appoint a king, to cut off the seed of Amalek, and to build themselves the chosen house [= the Temple]. While Rabbi Nehorai said: This section was spoken only in anticipation of their [anticipated] murmurings, as it is written: "And you shall say: I will set a king over me." (*Sanhedrin* 20b)

The *Or Ha-Chaim* notes that this apparent contradiction can be seen in the plain sense of the verses in our *parasha*. On the one hand, in verse 14, the Torah writes that it is the people of Israel who will seek to appoint a king over themselves. On the other hand, in verse 15, the Torah speaks in an imperative tone: "You shall surely set a king over you," which implies that this is an explicit command. As the *Or Ha-Chaim* writes: The wording "when you come... and shall say" implies that God did not decree that the people have to appoint a king for themselves. If they want to, however, the Torah gives them the right to do so. However, the words "you shall surely set" indicate that there is indeed a positive commandment to appoint a king. (*Or Ha-Chaim, Devarim* 17:14)

The same ambiguity found expression later in the history of the people of Israel. On the one hand, when the time described in our *parasha* finally arrived, in the days of Shmuel, the people turned to Shmuel with a request that a king be appointed over them:

Then all the elders of Israel gathered themselves together, and came to Shmuel to Rama. And they said to him: Behold, you are old, and your sons walk not in your ways; and now, set for us a king to judge us like all the nations. (I *Shmuel* 8:4-5)

Shmuel sees this request in a negative light and turns to God in prayer:

But the thing displeased Shmuel, when they said: Give us a king to judge us. And Shmuel prayed to the Lord. (Ibid. 8:6)

God's response is not encouraging, and it delves to the deep root of the people's request: And the Lord said to Shmuel: Hearken to the voice of the people in all that they say to you; for they have not rejected you, but they have rejected Me, from ruling over them. Like all the deeds which they have done since the day that I brought them up from Egypt until this day, and they abandoned Me and served other gods – thus do they also to you. (Ibid. 8:7-8)

According to God's response, the people's request for a king was an act of rebellion, betrayal, and abandonment of God, and not an argument against Shmuel (as it seems to have been presented in the people's appeal). On the other hand, one generation later, the initiative to appoint a king comes from God Himself. In I *Shmuel* 16, God turns to Shmuel and chooses the king who will replace Shaul:

And the Lord said to Shmuel: How long will you mourn for Shaul, seeing I have rejected him from being king over Israel? Fill your horn with oil, and go; I will send you to Yishai of Beit-Lechem, for I have provided Me a king among his sons. (I *Shmuel* 16:1)

In addition, God later promises David, via Natan the prophet, that the monarchy will never be removed from his descendants: When your days are fulfilled, and you shall sleep with your fathers, I will set up your seed after you, that shall proceed out of your body, and I will establish his kingdom... but My mercy shall not depart from him, as I took it from Shaul, whom I removed before you. And your house and your kingdom shall be assured forever before you; your throne shall be established forever. (II *Shmuel* 7:12-17)

To this very day, we pray for the return of the kingdom of the house of David to the people of Israel: "Speedily cause the scion of David Your servant to flourish."

What changed from the time of Shaul to the time of David? Why in the period of Shaul is the monarchy considered negative, an actual betrayal of God, while a generation later, the kingdom of the house of David is presented as an eternal promise, apparently a very good thing?

II. Two Roles of Monarchy - The *Or Ha-Chaim's* commentary to these verses points to a principle that may serve as an opening to explain this duality. He distinguishes between two types of kingdom: It appears that the intent of the verse is as follows – for there are two parts in the appointment of a king: 1) That they can have confidence in him to conduct wars with his excellent wisdom and to go out mightily to battle like the kings of the nations. (*Or Ha-Chaim*, *ibid.*)

The first type is a king like the kings of the nations, who is the supreme authority in whom the people trust. Such a king has the ability to make decisions, enact laws, and determine the

social order in his country. The *Or Ha-Chaim* explains that this type of monarchy is not desirable in the eyes of God for two reasons:

This is something God mightily disapproves of. For in the order of the kings of the nations, they don't follow them based on the excellence of their actions, but merely on perceived benefits – even if there is nothing good to be found from the perspective of the intellect. What is more, the people put their trust and hope in him, and remove their hearts from God. (*Or Ha-Chaim*, *ibid.*)

The first reason is technical: there is no certainty that the right person will be chosen. The second reason is more fundamental: such a king becomes the people's support and guarantor. They abandon the trust in God that is supposed to guide every Jew, and begin to trust in flesh and blood. This is precisely God's analysis of the request for a king in the days of Shmuel, as seen in a careful read of the people's further expression of their request to Shmuel: But the people refused to hearken to the voice of Shmuel; and they said: No; but there shall be a king over us, that we may also be like all the nations, and that our king may judge us, and go out before us, and fight our battles. (I *Shmuel* 8:19-20)

On the other hand – there is another aspect to the role of kingship: The second reason is for the honor and glory of Israel, and so [the king will be the kind of person that] God will act in accordance with his merit, the way God saved Israel by the hands of the Judges and [later, indeed,] by the hands of the upstanding kings of Israel. Learn from King David, etc. [He was successful for the people because he merited God's personal assistance.] This matter [of the role of a king] is one of which God and man approve. (Ibid.)

In this perspective, the monarchy is also an expression of honor and glory, with success granted in response to merit.

These two roles of the kingship are evident in the distinction between the kings in ancient times, who were the sole source of power and authority in the country, and the kings of today who serve more as an expression of honor and glory, but wield little political or military authority.

The words of the *Or Ha-Chaim* here require clarification: How does the difference between these two types of king find expression? After all, the king under discussion in our *parasha* also has authority (see Rambam, *Hilkhot Melakhim*, chapter 4). Thus, one must ask: What is the difference between a "good" king and a "bad" one?

III. The Monarchy in Israel - In order to sharpen the differences, we will delve a little deeper into the nature of the role of the monarchy in Israel. The very question of whether or not the mitzva of appointing a king is an ideal mitzva, which we should aspire to fulfill, assumes that the role of the king is not essential. After all, if it were essential, it would clearly be obligatory to appoint a king. And indeed, for many years, the people of Israel got along without a monarchy. Moreover, there are others who can fulfill all the functions of the monarchy: the judges judge the people, the Sanhedrin decides whether to go out to war, and the court is authorized to declare money ownerless or to impose fines and punishments that are not explicitly stated in the Torah. What necessary role, then, does a king play?

It seems that the difference between having a king in Israel and not having one is the element of centralization. When there is a king, the king must coordinate all the leadership systems in

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Israel. This centralized status, when the people are led by a human figure and the eyes of all are focused on him, is in fact quite problematic from a religious point of view, since this is the role of God.

Now that we understand the depth of the problematic nature of a king, we can better understand the difference between the two types of kingship. What differentiates a desirable king from an undesirable one is the question of how well the king understands his place.

The Torah in our *parasha* commands the king to write a Torah scroll for himself, "so that his heart is not lifted up above his brothers" (*Devarim* 17:20). The Torah is aware of the risk that a king will think that he himself, God forbid, substitutes for God and leads the world. That is why the Torah offered a remedy before the plague, commanding the king to keep his Torah scroll with him at all times, precisely to remind him of his place in relation to God.

If the danger is so great, one might ask, then what is the advantage of having a king? The *Or Ha-Chaim* teaches us that a king can be beneficial – a positive institution – when he serves for "the honor and glory of Israel" as a representative king. The role of the king in Israel is to represent God in the world. It was said about King Shlomo: And Shlomo sat on the throne of the Lord as king in place of David his father, and he was successful, and all Israel hearkened to him. (I *Divrei ha-Yamim* 29:23)

If it were not explicitly written in Scripture, it would be impossible to say such a thing: Shlomo sat on the throne of the Lord?! Indeed, this seems to be the role and essence of the king. God is the only King of the people of Israel, but His seat is in the heavens above. It is not easy in our physical world, where God cannot be seen nor felt, to accept His lordship, to truly feel the necessary fear and awe towards Him, and in general, to understand that He controls our lives. A human king is a means by which it is possible in a small way to see, feel, and sense the kingdom of God in the world.

We can see this idea in various roles of the king. For example, the Mishna in tractate *Sota* (7:8) describes the reading of the Torah at the *Hakhel* assembly, when the people of Israel gather in the Temple at the end of the *shemitta* year, as a reading that belongs to the king. The Rambam codifies this law and explains the basis and purpose of the *Hakhel* assembly and the role of the king in it: For Scripture established it solely to strengthen the true faith. He should see himself as if he were just now commanded regarding the Torah and heard it from the Almighty. (*Hilkhot Chagiga* 3:6)

The Rambam's words are stirring. The *Hakhel* assembly is a reenactment of the revelation at Mount Sinai, in which the role of "the giver of the Torah" is assigned, as it were, to none other than the king himself.

This fascinating role of the king, to serve as God's representative on earth, is complex and sensitive, for the distance between representing God and replacing Him, God forbid, is but a hair's breadth.

Returning to Shaul and David, it seems that this is the fundamental difference between the two kings. The reigns of Shaul and David were quite similar in terms of their control over the people and the authority granted to them; the difference between them relates to the way they rose to the throne. Shaul was sought by the people, who felt a deficiency in their connection to God and in their fear of heaven. But the people presented the

wrong request: they wanted a king "like all the nations," a king who judges, who goes out to war, etc. Until that time, there may not have been such a great need for a king, but once the people reached a situation in which they felt distanced from God, the appointment of a king became something that God Himself desired.^[2]

It is worth noting that even in our *parasha*, the mitzva to appoint a king appears as one of the *mitzvot* that applies upon Israel's entry into the land. The entire book of *Devarim* deals with Moshe's concerns before Israel's entry into the land. The transition from miraculous governance to earthly governance is not at all easy, and there is a real concern that our relationship with God and the feeling that He rules the world will gradually erode. It is possible that the mitzva to appoint a king comes to prevent this erosion, by serving as a model of the kingdom of heaven.

IV. Fearing Heaven "Like the Fear of Flesh and Blood"

This principle is embodied in the amazing blessing Rabbi Yochanan ben Zakkai gave his disciples before his death: They said to him: Master, bless us! He said to them: May it be [God's] will that the fear of heaven shall be upon you like the fear of flesh and blood. His disciples said to him: Is that all? He said to them: If only [you can attain this]! You can see [how important this is], for when a man commits a transgression, he says, I hope no person will see me. (*Berakhot* 28b)

Fear of heaven is hard to feel. Even if we believe "for His anger is but a moment; His will is for a lifetime" (*Tehillim* 30:6), is very difficult to experience a sense of dependence on something that is neither visible nor tangible. It is much easier for us to fear and feel awe towards flesh and blood. This human shortcoming gives rise to the need for a flesh-and-blood king who can represent God in the sense of "the earthly kingdom is like the heavenly kingdom" (*Berakhot* 58a).

It was not for nothing that Rabbi Yochanan ben Zakkai mentioned fear (or awe) of God. Consider this in light of the in Gemara in *Sanhedrin* with which we opened our discussion, which brings the same statement in the name of two different sages:

Rav said: That chapter [Rashi: the passage in I *Shmuel* 8 in which Shmuel tries to scare the people away from their request for a king by describing the absolute powers of a monarch] was intended only to inspire them with awe, for it is written: "You shall surely set a king over you" – that his awe should be over you... Rabbi Yehuda said: That section was stated only to inspire them with awe, for it is stated: "You shall surely set a king over you" – that his awe should be over you. (*Sanhedrin* 20b)

Although they seem to say the same thing, Rashi (ad loc.) explains that there are in fact two different interpretations of this statement. Shmuel's "threat" can be understood as an attempt to talk the people out of appointing a king. But this cannot be how Rabbi Yehuda understands it, since he maintains (later in that same passage) that appointing a king is an ideal mitzva which we should strive to fulfill. Therefore, his words must be understood differently – that the purpose of the entire passage is to paint a picture of a flesh and blood entity that can be feared and dreaded! It seems that this is also the principle behind an explicit law in the Gemara in *Kiddushin*:

Rav Ashi said: Even on the view that if a Nasi renounces his honor it is valid, if a king

renounces his honor it is not, for it is stated: "You shall surely set a king over you," teaching that his awe shall be over you. (*Kiddushin* 32b)

This rule is puzzling. If there is concern that royal arrogance might bring a king to feel like a kind of god on earth, we might have expected that a king *would* be allowed to renounce his honor, and thus serve the people without our having to be afraid that "his heart will be lifted up above his brothers." But following the path suggested thus far, the entire foundation of the king's role is to create fear of heaven in the world via the people's fear and honor of the king. Thus, he cannot renounce his honor (even though such a renunciation would certainly help counter arrogance), for it is for this that he was appointed!

According to what we have written, there was room for God to be angered by Israel's request of Shmuel, for He had commanded them not to ask for a king like all the nations, as we have explained, and they asked for a king, saying: "to judge us like all the nations" (I *Shmuel* 8:5). Therefore God was angry. But had they asked for a king as God desired, not for power and strength in the manner of the nations, they would have been fulfilling a positive command. (*Or Ha-Chaim*, *ibid.*)

V. King of All Israel

This idea appears in the words of the *Or Ha-Chaim* in another place as well. In *Parashat Vezot Ha-Berakha*, on the verse: "And there was a king in Yeshurun, when the heads of the people were gathered, all the tribes of Israel together" (*Devarim* 33:5), he writes:

It can also be explained, because he said nearby that it is the Torah that rules over us^[3] – as it is said [regarding Torah]: "I speak matters of nobles" (*Mishlei* 8:6) – therefore, he concluded with "And there was a king in Yeshurun," meaning that the institution of a king in Israel will come about if the leaders gather and ask for a king; it is then that there will be a king, and that is why it says "when the heads of the people were gathered," for it is then that there will be a king in Yeshurun in addition to the Torah. And thus we find that the appointment of a king came about in this manner, as it is written: "Then all the elders of Israel gathered themselves together, and came to Shmuel... Set for us a king to judge us like all the nations" (I *Shmuel* 8:4-5). This is precisely what is said, "when the heads of the people were gathered." But without this, this Torah alone shall be king over Israel. This is what the prophet said to them: "The Lord your God was your king" (I *Shmuel* 12:12); this is the Torah, which is entirely the name of the Holy One, blessed be He... Our verse also hints that the kingdom of Israel will endure only if the heads of the people assemble together – not if the leaders of the people are split. If the leaders are split, the tribes themselves will not be able to maintain their unity. As long as the people are united [such as under David and Shlomo], they are extremely successful, and their kingship is an entity that brings flourishing – but go and learn, for as soon as a split developed in their hearts and the kingdoms split, what came upon them! This is the reason for the calves of Yaravam and those who came after him, for the beginning of the destruction was the division, and the utensil that holds blessing is peace and unity of hearts. (*Or Ha-Chaim*, *Devarim* 33:5)

Aside from the fact that here the king "substitutes" for the Torah, the *Or Ha-Chaim* adds that such a kingdom can only rise with the consent of the people of Israel. Only the people of Israel, who together form the chariot of the

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Shekhina, can choose who will serve as God's representative to them. (Translated by David Strauss)

^[1] Editor's note: see *Mishlei* 3:4.

^[2] This can be compared to the building of the *Mishkan*, according to Rashi's opinion (*Shemot* 31:8) that the command to build the *Mishkan* came as a response to the sin of the golden calf. The people of Israel should have believed in God even without any possibility of feeling or sensing His service, but when Israel sinned and expressed the need for some physical service, this was given to them in the form of the service of the *Mishkan*.

^[3] Editor's note: Perhaps a reference to the previous verse in *Devarim* 33, "Moshe commanded us Torah..."



BS"D

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Parashas Mishpatim 5786 February 14th • 27 Shevat This week is Shabbos Mevorchim Chodesh Adar. Rosh Chodesh is this Tuesday & Wednesday, February 17th-18th. The molad is early Tuesday morning at 3:50 AM and 12 chalakim. The first opportunity for Kiddush Levanah is at 8:30 PM EST on Thursday night, February 19th. The final opportunity is Monday night, March 2nd.

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Rabbi Moshe Taragin: Parshas Mishpatim - The Long Search for Moral Society

By: Rabbi Moshe Taragin

Rabbi Moshe Taragin is a rabbi at the hesder pre-military Yeshivat Har Etzion/Gush, with YU ordination and a master's in English literature from CUNY. After the thunder and lightning at Har Sinai, Moshe Rabbeinu began the longer, more demanding task of transmitting the full breadth of Torah and the will of Hashem. The commandments extend into every corner of life—from daily practice to festivals, from what we eat to how we build marriage and family.

Yet among this vast body of Torah, the first laws taught immediately after Har Sinai are social laws. Parashat Mishpatim sets out the judicial framework and the legal system that gives it force. It defines how justice is administered and establishes the moral expectations meant to shape how people treat one another.

The Torah deliberately places civil law alongside the drama of revelation. At the very moment when heaven meets earth—amid thunder, lightning, and awe—the Torah turns our attention toward human responsibility: how society is ordered, how power is restrained, and how justice is preserved.

Moral Law

Hashem is a moral Being, and therefore His will is moral. The Torah guides both individual conduct and collective life. Religious observance is not meant merely as submission to authority, but as a path toward moral refinement. Ideally, obedience to Hashem's will should elevate character and sharpen ethical sensitivity. Sadly, this does not always occur, but it remains the aspiration at the heart of religious life.

Hashem's will is not only a guide for personal virtue; it also provides a blueprint for building moral societies shaped by justice and compassion. That is why the first laws taught after Har Sinai focus on courts, judges, and legal integrity. Judges are warned explicitly against bribery and against any conduct that would distort judgment or weaken trust in the legal system. Alongside courts and enforcement, Parashat Mishpatim establishes protections for the most vulnerable. Loans are to be extended without interest to those in financial distress, so that hardship does not become a trap. Converts, orphans, and widows are singled out for special protection, with explicit prohibitions against causing them harm or humiliation. The Torah also places firm limits on slavery, especially in the case of female servants. This is not an endorsement of the institution. Rather, the Torah confronts the harsh realities of the ancient world and restricts them sharply, insisting on dignity and physical well-being even where surrounding cultures showed little concern.

In this way, the Torah presents a vision of moral life that encompasses both the individual and society. Hashem's will is meant to shape conduct not only in the privacy of the home, but in the shared space of communal life.

Inner Voice

Torah is not the only voice through which Hashem guides moral life. He also placed within each person a moral intuition—a conscience that senses right and wrong, success and failure. Throughout history, many people who never heard the explicit voice of revelation nevertheless lived morally serious lives, guided by this inner awareness.

This was especially true before Har Sinai. The figures of Bereishit did not receive the Torah as we know it, yet they were able to discover Hashem and moral truth by listening inward and responding faithfully.

Even after Har Sinai, we are called to listen to more than one voice Hashem has given us. Alongside the commanding voice of halachah, there remains a need to attend to basic moral intuition. Not every ethical dilemma can be resolved by citation alone. At times, loyalty to Hashem requires recognizing His will as it resonates within moral awareness, guiding action toward integrity and basic decency.

Failed Experiments

Humanity has repeatedly tried to construct moral societies without revelation. In the seventeenth and eighteenth centuries, thinkers such as Spinoza and Kant believed that reason and education alone could sustain moral order.

This hope placed too much trust in human rationality. People do not act on reason alone, and knowing what is right does not always lead to doing what is right. More often, reason is used to justify impulses that already exist, rather than to restrain them.

In the nineteenth century, socialism and communism proposed a different path. They claimed that by reshaping economic structures and eliminating class divisions, a moral society would naturally emerge. By locating moral failure almost entirely in inequality, they misunderstood the sources of human wrongdoing. Power corrupts even when it is not tied to wealth, and moral failure persists even in the absence of material privilege.

Twentieth-century fascist movements sought to forge moral unity by binding individuals tightly to the state. By excluding those deemed foreign or disloyal, they believed they could purify society and restore moral strength. When people were taught that loyalty mattered more than right and wrong, and that purity defined virtue, cruelty came to be seen as acceptable.

Western Liberalism

After the collapse of these grand ideological projects, the Western world gravitated toward a more modest moral vision. Rather than reshaping human nature or enforcing virtue, liberal democracies sought to limit harm and protect dignity. Tolerance and the safeguarding of the vulnerable were seen as the surest path toward stability.

These frameworks achieved important gains, yet over time unintended failures emerged. Concern for the underprivileged shifted from relieving weakness to competing for it. Moral standing became attached to victimhood, and society increasingly came to be viewed as a struggle

between the powerful and the powerless, flattening moral complexity and reducing identity to position rather than responsibility. As moral authority became individualized, shared moral language eroded. Values were no longer treated as binding or enduring, but as personal and negotiable. Without common reference points, society struggled to speak clearly about right and wrong. Tolerance, once a stabilizing virtue, began to thin moral life. When every value is affirmed, none can be elevated. Moral energy shifted toward protecting claims rather than forming character or cultivating responsibility. Humanity has never fully succeeded in constructing a durable system that consistently upholds moral standards. A framework in which morality shapes not only private life but shared public life can emerge only from the will of Hashem and from the ethical pathways carved by religious commitment. As we labor within imperfect models, the work is preserving the moral substance of society, while remaining alert to the failures of misplaced individualism and to moral voices that drift away from genuine moral values. The writer, a rabbi at Yeshivat Har Etzion, was ordained by Yeshiva University and holds an MA in English literature. His books include *To Be Holy but Human: Reflections Upon My Rebbe*, HaRav Yehuda Amital. mtaraginbooks.com

from: **Rabbi Chanan Morrison** <chanan@ravkooktorah.org>

date: Feb 12, 2026, 1:22 AM

subject: **Rav Kook on Mishpatim**: Permission for Doctors to Heal Mishpatim: Permission for Doctors to Heal

Medical Fees Amongst the various laws in the parashah of Mishpatim — nearly all of which are of a societal or interpersonal nature — the Torah sets down the laws of compensation for physical damages. When one person injures another, he must compensate the other party with five payments. He must pay for (1) any permanent loss of income due to the injury, (2) embarrassment, (3) pain incurred, (4) loss of income while the victim was recovering, and (5) medical expenses. This last payment, that he “provide for his complete healing” (Exod. 21:19), i.e., that he cover any medical fees incurred, is of particular interest. The word “to heal” appears 67 times in the Torah, almost always referring to God as the Healer. Only here, as an aside to the topic of damages, does the Torah indicate that we are expected to take active measures to heal ourselves, and not just leave the healing process to nature. This detail did not escape the keen eyes of the Sages. “From here we see that the Torah gave permission to the doctor to heal” (Berachot 60a). Yet we need to understand: why should the Torah need to explicitly grant such permission to doctors? If anything, we should expect all medical activity to be highly commended, as doctors ease pain and save lives.

Our Limited Medical Knowledge The human being is an organic entity. The myriad functions of body and soul are intertwined and interdependent. Which person can claim that he thoroughly understands all of these functions, how they interrelate, and how they interact with the outside world? There is a danger that when we treat a medical problem in one part of the body, we may cause harm to another part. Sometimes the side effects of a particular medical treatment are relatively mild and acceptable. And sometimes the results of treatment may be catastrophic, causing problems far worse than the initial issue. [1 The tragic example of birth defects as a result of treating morning sickness in pregnancy with thalidomide comes to mind.] One could thus conclude that there may be all sorts of hidden side effects, unknown to the doctor, which are far worse than the ailment we are seeking to cure. Therefore, it would be best to let the body heal on its own, relying on its natural powers of recuperation.

Relying on Available Knowledge The Torah, however, rejects this view. Such an approach could easily be expanded to include all aspects of life. Any effort on our part to improve our lives, to use science and technology to advance the world, could be rebuffed on the grounds that we lack knowledge of all consequences of the change. The Sages taught: “The judge can only base his decision on what he is able to see” (Baba Batra 131a). If the judge or doctor or engineer is a competent professional, we rely on his expertise

and grasp of all available knowledge to reach the best decision possible. We do not allow concern for unknown factors hinder our efforts to better our lives.

“The progress of human knowledge, and all of the results of human inventions — is all the work of God. These advances make their appearance in the world according to mankind’s needs, in their time and generation.” (Sapphire from the Land of Israel. Adapted from *Olat Re’iyah* vol. I, p. 390) Illustration image: ‘The Doctor’ (Luke Fildes, 1891)

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Parshas Mishpatim February 12, 2026 (5786)

By **Rabbi Yissocher Frand** | Series: Rav Frand

These divrei Torah were adapted from the hashkafa portion of **Rabbi Yissocher Frand’s** Commuter Chavrusah Tapes on the weekly portion: # 1369 Lending Money Without Receiving an IOU Slip – Is It Mutar? Good Shabbos!

The Torah Only Refers to a Jewish Slave as an “Eved” the First Time Parshas Mishpatim begins with the halachos of the eved Ivri (Hebrew slave). The Torah relates the situation of a poor person who stole and is in debt. He can’t pay back what he stole and, as a result, he is sold as a slave to recoup the money, with which he can now make restitution to his victims. The term “slave” is a very derogatory one, especially in our day and age. The Torah teaches the halachos of how a person needs to deal with an eved Ivri.

There are two other places in Chumash where the Torah discusses an eved Ivri. One is in Parshas Behar and the other is in Parshas Re’eh. There is a distinct difference between the way the eved Ivri is described in the parshios of Behar and Re’eh and the way he is described here in Mishpatim. In Behar (Vayikra 25:39), the pasuk says “If your brother becomes impoverished with you and is sold to you, you shall not work with him slave labor.”

In Parshas Re’eh (Devarim 15:12), the pasuk says “If your brother, a Hebrew man or a Hebrew woman, will be sold to you, he shall serve you for six years, and in the seventh year, you shall send him away from you, free.”

In each of these parshios, the Torah shares various details of the halachos of Jewish servitude. However, there is one glaring difference between the description of an eved Ivri in Parshas Mishpatim and his description in the other two parshiyos. This is an inference (diyuk) that the Malbim points out. The Malbim notes that in both Behar and Re’eh he is called “achicha” (your brother), but the term “eved” (slave) is not used. He is only called an “eved” in Mishpatim.

The Malbim explains that the Torah only calls him an “eved” once, to demonstrate its hesitation to use this term concerning a member of the Jewish people. The Torah needs to call him an eved once to show us the essence of his status, but once it has called him an “eved,” it doesn’t want to repeat the term. The subsequent times, he is always referred to as “your brother.”

We are particular about his honor. Now, whose honor is this that we are particular about? We are particular about the honor of a thief! We are even particular about the honor of a person who is really from the dregs of society. Helicopter Parenting Explains Strange Sequencing of Pesukim

The pesukim in Shemos 21:15-17 say “Someone who strikes his father or mother will be surely put to death. Someone who steals a person and sells him will be surely put to death. And someone who curses his father or mother will be surely put to death.”

Rav Schwab, in hissefer, interestingly points out that the prohibition of kidnapping is stuck in between the prohibition of killing and cursing parents. It would seem logical for the Torah to place the prohibition of smiting and cursing parents together, ahead of the prohibition of kidnapping. What is the message of inserting the aveira of “gonev nefesh” right smack between “makeh aviv” and “mekalel aviv?”

Rav Schwab makes an interesting observation. There is an expression in vogue today called “helicopter parenting.” A helicopter parent hovers over his child so much that he is compared to a helicopter which hovers over a

single spot. The parent literally smothers the child and does not allow him to reach his potential and become what he is supposed to become.

Many parents see children as an extension of themselves. They want to live vicariously through their own children. "I couldn't do so and so in my life, but I want you to do that in your life. If I couldn't go to Yeshiva, I want you to go to Yeshiva and if I wasn't very good in Yeshiva, I want you to be good in Yeshiva. If I fooled around in Yeshiva, I am going to make sure that you don't leave the Beis Medrash until one o'clock in the morning."

They, in fact, run their children's lives. That is not parenting. During the earlier stages of a child's life, a parent indeed needs to be on top of him and educate him properly. However, when the child reaches a certain age, the parent needs to say "I have done what I can do. The child is now on his own!" We are not talking about abandoning the child, but a parent needs to let the child be who he is.

I heard a very interesting comment in the name of Rav Yochanon Zweig: The Aramaic word for son ('ben' in Hebrew) is 'bar.' The word 'bar' in Aramaic also means to be on the outside. The connotation is that a parent needs to remain "outside" the child. The parent cannot remain "in the midst of his son." The child must be given his own space.

Rav Schwab therefore suggests: First the Torah says that someone who smites his father or mother will be put to death. Later, the Torah says that someone who curses his father or mother will be put to death. These are very extreme situations. A child who hits or curses his parent! What would bring a child to transgress these unnatural capital offenses? The answer is "gonev ish" – the father "stole" the child. He kidnapped his own child by taking him exclusively into his – the father's – domain, and not allowing the son to have a domain of his own. The son overreacts to the overreaction of his father in trying to control his life. The Torah alludes to the fact that, yes, we need to be parents and, yes, we need to educate our children, which is one of the most important jobs in the world, but like everything else, a person needs to do it with sechel (intelligence).

Sir Walter Scott, Parshas Mishpatim, and Dovid Hamelech All Tell the Same Truth About Lies

"Oh, what a tangled web we weave when first we practice to deceive" is a line from Sir Walter Scott's poem Marmion. What is its connection to this week's parsha?

In this week's parsha, the well-known pasuk says "M'dvar sheker tirchak" (distance yourself from a false matter) (Shemos 23:7). Of course, Sir Walter Scott was not the first person to note that when someone tells a lie, he needs to create an entire web of lies to support the original lie that he first fabricated.

The first person to say this same thing was Dovid Hamelech. Dovid Hamelech writes in Tehillim 52:5 "You loved evil over good, lies over speaking truth, selah." Even though we don't leyn this pasuk, the trop (cantillation) over the word sheker (lies) is a shalsheles. The shalsheles is a chain.

Why was the shalsheles note placed over the word sheker? It is for the same reason: What a tangled web we weave when we first deceive. When someone tells a lie, he then needs to tell a second lie to support the first lie, and then a third lie to support the second. It is a whole web and chain of deceit.

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The Torah Only Refers to a Jewish Slave as an "Eved" the First Time

Mishpatim Adapted by Rabbi Jonathan Sacks; From the teachings of the Lubavitcher Rebbe

Our Sidra begins with the words, "And these are the judgments which you shall set before them," and the last phrase of this sentence has troubled many commentators. What is the precise meaning of the expression "set before them?" Several different answers have traditionally been given, and the Rebbe explores the relationship between them. The word "judgments" (mishpatim) also requires comment, for this is a technical term in Torah, referring in general to social legislation of the kind which, had it not been given by G-d, man could have devised for himself on rational grounds. It is to be contrasted with "testimonies" (edut) such as the Shabbat and the festivals, which though they are rationally comprehensible, could not have been invented by man; and with "statutes" (chukim) which are laws whose purpose lies altogether beyond our understanding. Why are only "judgments" singled out to be "set before" the people? In answering this, the Rebbe explores the difficult and much misunderstood relationship between our obedience to and our understanding of G-d's law.

1. The Meaning of "Before Them"

"And these are the judgments which you shall set before them."1 The Rabbis have given several explanations of the phrase "before them."

The first2 is that every legal dispute amongst Jews should be tried "before them," before a Jewish court of law, which tries cases according to the Torah. They should not take the case before non-Jewish judges, even if their law in this instance coincides with that of the Torah.

The second3 is that when one is teaching the Torah to a pupil, he should "show the face"; in other words, he should explain the reasons for the law,4 so that the pupil understands it rather than receiving it as a dogma.

The third, given by the Alter Rebbe,5 is that "before them" means "to their innermost selves."6 The verse therefore means that the knowledge of G-d should enter the most inward reaches of the Jewish soul. There is an allusion to this in the Jerusalem Talmud,7 which relates the phrase "You shall set" (tasim) to the word "treasure-house" (simah). The treasure-house of the Torah should thus awaken the treasure-house of the soul, that is, its innermost core.8

2. Three Kinds of Law

It is a general principle that different interpretations of the same words of Torah bear an inner relationship to one another.9 What, then, is the connection between these three explanations?

Also, why should the words "before them," however they are interpreted, be attached specifically to "judgments?" There are three kinds of commandments contained in the Torah: Judgments, testimonies and statutes.10 Statutes are laws which transcend our understanding and which we obey simply because they are the word of G-d. Testimonies can be rationally explained, but they are not necessitated by rational considerations: Had G-d not decreed them, man would not have invented them. Judgments, however, are laws which reason would have compelled man to devise even if they had not been Divinely revealed. As the Rabbis say, "If the Torah had not been given, we would have learned modesty from the cat and honesty from the ant..."11 Why, then, is it judgments that the Torah singles out to be set "before them?"

If we take the first interpretation of "before them," this is easy to understand. It is only in the sphere of judgments that Jewish and non-Jewish law are likely to coincide. Hence the necessity to urge, specifically of judgments, that disputes concerning them to be taken to a Jewish court. In the case of testimonies and statutes, which can be derived only from Divine revelation, there would be no possibility of taking disputes to a non-Jewish court which based its laws on human reason.

In the second interpretation, however, we run up against a difficulty. If "set before them" means to teach them with explanations, then this is surely more applicable to testimonies and statutes, which are difficult to understand, than to judgments. It is obvious that judgments should be explained. Whereas it would be a significant point to demand that testimonies (which can be comprehended, even if they are not necessitated, by reason) and statutes

(which reason cannot grasp) should also be taught as far as possible through explanation and rational acceptance.

The same difficulty arises with the third explanation. It surely is not necessary to awaken the innermost reaches of the soul to be able to obey judgments, when reason is sufficient to compel adherence to them. But obedience to testimonies and statutes is not demanded by reason, and so it requires the arousal and assent of the inward self if it is to be done with a feeling of involvement rather than simply in blank response to coercion. Again, the connection between judgments and the phrase “before them” seems misplaced.

3. Action and Intention

An important truth about the Divine command is that “the principal thing is the act.” If, for example, a person has made all the appropriate mental preparations for putting on Tefillin but stops short of actually putting them on, he has not fulfilled the commandment. And if on the other hand he has put them on, but without the proper intentions, he has nonetheless performed the Mitzvah, and must make a blessing over it.

Despite this, it is also G-d’s will that every facet of man be involved in the Mitzvah; not only his power of action and speech, but also his emotion, intellect, will and delight. This applies not only to the commandments which obviously involve feeling and understanding—like the Mitzvot of loving and fearing, believing in and knowing G-d—but to every command, including those which require a specific action. Each Mitzvah must be affirmed by the deepest reaches of man’s being, especially by his delight, so that he performs it with joy¹² and a willing heart. This is true, furthermore, even of statutes, which by nature lie beyond his understanding. It is not enough to obey them in action only, as if he had no choice but to submit to G-d’s will without sense or comprehension. Nor is it enough to say: I do not understand them, but G-d must certainly have a reason for decreeing them, and that is sufficient for me. For this attitude is not one of unconditional obedience. It is as if to say: I will obey only what is reasonable, but I will allow a mind greater than mine to decide what is reasonable and what is not. Instead, the true acceptance of statutes is one which goes beyond reason, and which makes no conditions. It is one in which the desire to serve G-d for His own sake is so strong that even the intellect positively assents to the call of He who is beyond it.

In the light of this we can understand the Rabbinical saying about the word “statute”: “It is a decree before Me: You have no right to speculate about it.”¹³ This is strange because, since “the principal thing is the act” it would have been more natural to say, “you have no right to disobey it.” However, the saying implies that the physical act is not enough: It must be accompanied by the assent of the mind. And this means more than the silencing of doubt, more than the prudential acquiescence in G-d’s wisdom. It means that simple faith floods his mind, leaving no room for second thoughts.

This is why statutes need the awakening of a Jew’s innermost soul. Without it, there would still be room for “speculation” or doubt even if outwardly he continued to obey. With it, his thoughts and feelings are fired by an inner enthusiasm. And this is the connection between the second and third interpretations of “before them”: “Inwardness” leads to “understanding,” to an acceptance of the law by mind and heart.

But a question remains. Why are these insights attached by the Torah to judgments instead of statutes, where they would seem more appropriate? There is no difficulty in understanding judgments, and reason—without inwardness—is sufficient to lead a man to obey willingly.

4. Faith and Reason

The answer is to be found in another Rabbinic commentary to our verse. Noticing that the Sidra begins with the word “and” (“And these are the judgments....”) they said, “‘And these’ indicates a continuation of the previous subject.”¹⁴ In other words, the judgments of which our Sidra speaks, are a continuation of the Ten Commandments, and were, like them, given at Sinai.

The Ten Commandments fall into two categories. The first commands concern the highest principles of the unity of G-d. But the others state simple, social laws like “Thou shalt not murder” and “Thou shalt not steal,” judgments whose purpose is immediately intelligible. By fusing these extremes, the principles of faith and the judgments of reason, the Torah teaches that even commands such as “Thou shalt not steal” should be obeyed not simply because they are reasonable but because they are the will of He who said, “I am the L-rd thy G-d.”

Thus, when the Rabbis said that the words “And these are the judgments....” were a continuation of the Ten Commandments, they meant that these judgments should be obeyed not because they are understood, but because they were commanded by G-d at Sinai.

This explains the first interpretation, that one should not bring a Jewish dispute before a non-Jewish court. Even if the laws coincide in practice, a law which has its source in reason is not the same as one which is based on the words, “I am the L-rd thy G-d,” and its verdicts do not emanate from Torah.

The third interpretation also becomes clear. Even judgments, which can be obeyed for the sake of reason, must be obeyed from the inwardness of the soul. Judgments must be obeyed like testimonies and statutes: Not from reason alone but from an inward response which animates every facet of one’s being.

And this explains the force and subtlety of the second interpretation: That the judgments should be taught so that the pupil understands them. The point is that on the one hand they should not be regarded as the mere dictates of reason; on the other, they should not be thought of as irrational. They are to be obeyed with but not because of the mind’s assent. The mind is to be shaped by what lies beyond it.

Why is human reason not sufficient in itself? Firstly because it has no absolute commitment: “Today it (one’s evil inclination) says to him, Do this; tomorrow it tells him, Do that; until it bids him, Go and serve idols.”¹⁵ This description of the gradual erosion of spiritual standards is interpreted by the previous Lubavitcher Rebbe, Rabbi Yosef Yitzchak, thus: The Jew’s evil impulse cannot begin with enticement to a forbidden act. Rather, it bids him “Do this,” “Do that,” i.e., a Mitzvah, but do it because your intellect and ego concur. Thus, gradually the framework is developed in one, whereby even a forbidden act is not excluded.

Secondly, because even though it might lead a man to obey judgments, it would not bring him to closeness with G-d. This is the difference between an act which is reasonable and an act which is a Mitzvah. “Mitzvah” means “connection”: It is the link between man and G-d. Speaking of G-d’s statutes and judgments, the Torah tells the Jew: “He shall live by them.” If he brings the whole of his life—action, emotion, reason and inwardness—into the performance of a Mitzvah because it was given at Sinai, he recreates Sinai: The meeting of man and G-d.

(Source: Likkutei Sichot, Vol. III pp. 895-901)

FOOTNOTES 1. Shemot 21:1. 2. Gittin, 88b. Cited by Rashi, Shemot 21:1. 3. Eruvin, 54b. 4. Based on the word lifneihem (before them) which literally means “before their faces.” 5. Torah Or, Mishpatim. 6. Based on the verbal similarity between lifneihem (before them) and lipnimumsam (to their innermost selves). 7. Avodah Zarah, 2:7. 8. Zohar, Part III, 73a. Likkutei Torah, Vayikra, 5c. 9. Cf. supra, p. 30. 10. Cf. commentaries, Devarim 6:20. 11. Eruvin, 100b. 12. Cf. Rambam, end of Hilchot Lulav. 13. Rashi, Bamidbar 19:2. 14. Shemot Rabbah; Tanchuma and Mechilta, ad loc. 15. Shabbat, 105b. Adapted by Rabbi Jonathan Sacks; From the teachings of the Lubavitcher Rebbe

https://www.ou.org/life/torah/brander_mishpatim_5769_our_greatest_moment/

Mishpatim: Our Greatest Moment

By Rabbi Asher Brander

Feb 09, 2010

More than once, when I really need my friend's help and "no" is simply not an option, I've asked for commitment before my request. The conversation might go like this:

"Can I ask you a favor?" "Sure, what can I do for you?" "In a moment. First, just say yes." Usually, they don't say yes.

But the Jews said yes.

Moshe wrote down all the words of Ad-noy. He arose early in the morning, and built an altar beneath the mountain, and [also] twelve monuments [pillars] for the twelve tribes of [the B'nei] Yisrael. .. and they offered burnt-offerings, and sacrificed oxen as peace-offerings .. Moshe took half the blood and put it in the basins, and [the other] half the blood he sprinkled on the altar. He then took the Book of the Covenant, and read it in the ears of the people. They said, "All that Ad-noy has spoken, we will do and we will listen." [Na'aseh v'nishma]

After [Moshe's] reading the book, we entered the covenant mouthing our triumphant words of na'aseh v'nishma; a seminal phrase, Rabbinically understood to be akin to "Yes, whatever it is, we'll do it! Then we'll try to figure it out" (Shabbos 88). Our utter irrationality that confounds the world-nations; in their view we are an ama peziza – "a foolish hasty nation that puts its mouth before its ear".

People in love do crazy things. A rich Rabbinic analogy likens our Torah acceptance to marriage.¹ First, it is a lifelong commitment; more precisely, it is an essentially unknowable journey. Na'aseh v'nishma encompasses the heilige madrega (holy level) of a people ready to take the Divine plunge with no real inkling of the depth of its commitment.

The pashtan (textual analyst of Torah) might balk. Is it really true that the Jews had no clue? Na'aseh v'nishma appears in chapter 24 while the Aseret HaDibrot (Ten Commandments) are in chapter 20, followed by the myriad, complex and detailed laws of Mishpatim; statutes that encompass major Talmudic tractates² and a veritable lifetime of learning. Thus, as Moshe ascends the mountain for a forty day rendezvous with the Almighty and Bnei Yisrael are "preparing" for the Sinai Revelation, surely they had more than a ta'am, a taste of the Torah's massive scope?!

Rashi, [citing Rabbinic tradition], opts for ein mukdam u'meuchar batorah, i.e. we are not bound to chronology in Torah. Even as na'aseh v'nishma is presented following the Aseres HaDibros and Mishpatim, it actually takes place beforehand.

What's in that Sefer Habris – the covenantal book Moshe read to Bnei Yisrael just prior to their exalted response? For Rashi, it is the narrative of human history; Creation through Exodus, spanning twenty six generations from Adam to Moshe and a smattering of a few mitzvos they received in Marah. Primarily, then it is a book of an inspirational history of Matriarch and Patriarchs who stood up for Divine morality and weathered great challenges in order to infuse the world with knowledge of Hashem. It is a powerful story for the heart.

For Rashi, then, the idealistic, gung-ho, na'aseh v'nishma remains in place. Ramban, axiomatically rejects this approach. De facto, Torah is always in chronological order unless we find an explicit source to the contrary.³ Na'aseh v'nishma took place after the Jews heard the Ten Commandments and had been exposed to the sundry details of Jewish jurisprudence. Indeed, this constituted the essence of the sefer habris – a book that challenges the mind to the max!

My first exposure to Ramban left me on a downer. If Bnei Yisrael knew what to expect, did na'aseh v'nishma mean as much? A reasoned rational decision diminishes the great Divine plunge and removes luster from a previously pristine na'aseh v'nishma.

But since that visceral response, I have changed my mind.

Ever notice at a wedding that are usually two distinct groups of guests: 1. Chosson-Kallah and their friends 2. Parents and their friends. Both smile, dance, laugh and enjoy. Perhaps one group is a bit more energetic and the other somewhat sedentary, but they are essentially united in mirth – or so it seems. Perhaps it's a tad cynical, but maybe their reflective joyous states differ.

For the first group, there is an incredible purity and idealism associated with the wonder of marriage; let's call it blessed naivete. Zeh hayom kivinu lo, this is the day and the moment we have pined for. The second group, we shall call them the veterans, also smile. It's a different type of smile, one laced with a bit more experience. Yes, the second chevra are moved by the pristine and beautiful moment of love; they are also armed with the retrospective knowledge of the challenges, meanderings and vicissitudes of life. They smile as they remember their innocence and for but a moment, perhaps they have even regained it, but their grin might also be enhanced [just a tiny bit] by the delicious realization that the first group knows not a clue of what lies ahead.

What Ramban's na'aseh v'nishma lacks in naivete and idealism it more than makes up in gravitas and experience. Bnei Yisrael's rational knowledge could have been a hindrance to their acceptance of Torah. Their na'aseh v'nishma was not per se a Divine leap of faith as much as it was a leap of knowledge; they said na'aseh v'nishma with the realization that great challenges lie ahead. Perhaps, Ramban's na'aseh v'nishma is like the couple that get married a little later in life, armed with more self knowledge and more real with their challenges.

Which is greater – To commit without knowing exactly what's in store or to accept in spite of the immense clarity of the challenges that lay ahead? They are different avodahs (tasks). The first is emunah peshutah (simple, pristine faith) and the second emunah amukah (deep, rational faith). One challenges the heart, the other confronts the mind – both critical in the formation of a complete Jew.

FOOTNOTES: 1 The mountain over the head = the canopy. Cf. Ta'anis 29. Also Torah tzivah lanu morasha = me'orasa (betrothal) 2 Bava Kamma, Metziah, Basra, Sanhedrin, Makkos, etc. 3 cf. Bamidbar, 9:1 with Rashi Rabbi Asher Brander is the Rabbi of the Westwood Kehilla, Founder/Dean of LINK (Los Angeles Intercommunity Kollel) and is a Rebbe at Yeshiva University High Schools of Los Angeles

<https://outorah.org/p/28341>

Rabbi Weinreb's Parsha Column, Mishpatim

Rabbi Dr. Tzvi Hersh Weinreb

"Truth Be Told"

I once taught a class whose purpose it was to introduce Midrashic literature to an audience of very intelligent individuals who previously had only limited experience with primary Jewish texts. It was an introductory course, in which I attempted to expose the students to several simple yet illustrative passages from the vast literature of Midrash. To stimulate discussion, I asked the class to come up with titles of their own which would fit the passage under study.

One passage led to a particularly vigorous discussion. Although this passage is found in the Midrash Genesis Rabba 8:5, it has a direct connection to a verse in this week's Torah portion, Parashat Mishpatim (Exodus 21:1-24:18). Here is the Midrash in question, slightly abbreviated and loosely translated: Said Rabbi Simon: "When the Holy One, Blessed Be He, first considered creating Adam, the ministering angels were divided. Some opposed his creation; others advocated it. As the verse in Psalms (85:11) reads, 'Benevolence and Truth meet; Justice and Peace kiss.' The angel Benevolence favored man's creation, because [man] is so capable of great benevolence. But the angel Truth countered that man should not be created, because he is hopelessly full of falsehood. Justice sided with Benevolence, arguing that man could behave justly, while Peace allied with Truth and resisted man's creation, fearing man's incurable passion for strife and war. What did the Holy One do? He grasped Truth and cast it down to the earth. The angels pleaded with the Holy One to restore Truth to Heaven. The verse in Psalms continues, 'Truth sprouts up from the earth.'"

The variety of titles which the students proffered in response to my "assignment" reflects the differing lessons they derived from it. One entitled the passage "Close Call." She was obviously impressed by the fragility of mankind's very existence and how we were almost not created at all. Another

suggested "The Great Debate," emphasizing that conflict and discord exist even among the heavenly angels. Yet a third student preferred the title "Human Nature." She considered the theme of this passage to be the dual nature of human beings. Yes, we are capable of kindness and charity, but we can all too readily descend to the depths of deceit and violent discord. Despite these different perspectives, the students were unanimous in expressing their curiosity about the "end of the story." Did the Almighty acquiesce to the pleas of the angels and restore Truth to its celestial glory? The commentaries, much like the angels, disagree on this point. Whereas most standard commentaries are convinced that He yielded to His angelic advisors, some insist otherwise. Rabbi Menachem Mendel of Kotzk, for example, maintains that Truth remains forever elusive and exceedingly rare, a castaway to this very day.

I mention the Kotzker Rebbe for two reasons. One is because he deserves a tribute at this time of year. His *yahrzeit*, the anniversary of his death, occurs on the 20th day of Shevat, just about the time that we read Parashat Mishpatim in the synagogue.

But more so, I mention this enigmatic visionary because he typifies the spiritual leader who demanded utter truth, not only from his disciples but from all mankind. Indeed, his obsession with truth eventually led to his withdrawal from society, so disillusioned was he with the deceit and falsehood which prevail in the world.

The ultimate basis for the primacy of truth in the Jewish tradition, however, is not in the words of Genesis, nor even in the Midrashic homilies, such as the one that we just sampled. Rather, it is to be found here, in Parashat Mishpatim, which numbers as many as 25 distinct commandments. The verse in question reads, "Keep far from a false word." Note that the Torah does not admonish us not to lie. That prohibition is to be found elsewhere, in Leviticus 19:11, which reads, "You shall not deal deceitfully or falsely one with another." There the Torah says "don't." That's the customary biblical language for a prohibition. Our verse, on the other hand, does not tell us not to express false words. It tells us to keep far from them, to remove ourselves from falsehood, to distance ourselves from a lie.

The Kotzker Rebbe used the verse in Mishpatim as the basis of his philosophy of Jewish life. But he was far from the first to recognize the peculiar emphasis of the words "keep far". A lesser-known commentary, Tzedah LaDerech, wondered about it too. Here's how he put it:

"I find it difficult to understand why Scripture uses the expression 'keep far' with reference to lying, something which it does nowhere else. It occurs to me that this is because there is no more common and frequent transgression than speaking falsely. It was because of mankind's tendency to distort the truth that the angels opposed mankind's very existence."

Recognition of the prevalence of deceit in the world, and the difficulties of discovering truth, is not limited to Jewish tradition. Greek legend tells of the philosopher Diogenes, who walked about the streets of ancient Athens with a lantern, vainly searching in broad daylight for an honest man. It is no wonder that he came to be known as Diogenes the Cynic; indeed, the very word cynic derives from his colorful life story. However, it does not take cynicism to realize that honesty is a very precious commodity.

George Orwell, whose writings often read as uncanny prophecies, wrote: "In a time of deceit, telling the truth is a revolutionary art." He knew that society could deteriorate to the point where deceit became the norm, so that it would take the immense courage of a revolutionary to speak the truth.

Rashi, in his commentary upon an entirely different biblical story, asserts that a lie must have at least a dose of truth in it if it is to be convincing. Perhaps, in his time, a total lie would have been disbelieved. Alas, this is no longer so, particularly with regard to statements about the Jewish people and about the State of Israel. Against us, the "big lie" is easily peddled to a frighteningly gullible world.

The "big lie" is attributed to the infamous Joseph Goebbels, who shrewdly knew its shocking power. Here is the Random House Dictionary's definition of the term: "The big lie is a false statement of outrageous magnitude, employed as a propaganda measure in the belief that a lesser falsehood

would not be credible." It took the diabolical insight of a genocidal murderer to recognize this human perversion.

How does one combat falsehood and deceit? What is the antidote to the "big lies" that surround us?

There is but one answer, and that is the consistent and articulate enunciation of the truth and the avoidance of even traces of falsehood. The secret of truth's triumph rests in the brief three-word phrase in this week's Torah portion: *midvar sheker tirchak*—not only "don't lie," but "keep far from a false word."

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Blueprints

Parshas Mishpatim

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Sponsored by Mr. and Mrs. Jules Meisler in memory of his mother Anne Meisler (Chana bat Lazer Hakohen a"h) and sister Gladys Citrino (Golda Rivka bat Yitzchak a"h) Mrs. Elaine Taragin on the *yahrzeits* of her father Yitzchak ben Yehudah Leib a"h (25 Shevat) and mother Feiga bat Yeshayah a"h (27 Shevat) Robert and Hannah Klein on the *yahrzeit* of his father Milton Klein (Meir ben Kalman a"h)

Our Parashah opens: "And these are the Mishpatim / ordinances that you shall place before them." R' Moshe David Valle z"l (Italy; 1697-1777) writes: This Parashah follows from the preceding one in that the Aseret Ha'dibrot / Ten Commandments are the generalities while the Mishpatim are the particulars. That is why, writes R' Valle, our Parashah begins with the letter "Vav," meaning "and"—indicating the connection between the generalities in last week's Parashah and the particulars in this week's Parashah. After Bnei Yisrael heard the commandments in general, the Master of Prophets (Moshe Rabbeinu) was instructed to place the particulars before them. R' Valle continues: Every detail of Halachah parallels in some way the manner in which Hashem runs the world. Thus, the Gemara (Niddah 73a) teaches: "If one studies Halachah every day, he is guaranteed to be at home in Olam Ha'ba / the World-to-Come, as it is written (Chabakuk 3:6), 'Halichot Olam / The ways of the world are his.' Do not read, 'Halichot'," says the Gemara, "but rather, 'Halachot'." [Until here from the Gemara] What, asks R' Valle, is the connection between "Halichot" / "the ways of the world" and "Halachah"? The answer, as stated, is that the Halachot in this world parallel the ways that Hashem runs the world [though the parallel is mostly beyond us] and therefore have the power to influence all of existence. (Brit Olam)

"If you buy an Eved Ivri / Jewish slave . . ." (21:2) In last week's Parashah, the Aseret Ha'dibrot / Ten Commandments were given, and now the Torah begins to spell out the laws in detail. Why does the Torah choose to begin with the laws of an Eved Ivri? R' Yitzchak Arieli z"l (1896-1974; Mashgiach of Yeshivat Merkaz Harav; author of *Einayim La'mishpat*) explains: [The Gemara (Kiddushin 20a) teaches: "One who acquires an Eved Ivri acquires a master for himself." For example, the master may not sleep on a more comfortable bed than the slave is given, nor may he eat better food than the slave is fed. Thus,] by beginning the Torah's detailed laws with the laws of Eved Ivri, the Torah is teaching us how different the Torah's laws are from the laws of other nations. Placing these laws first also teaches the degree to which a person must perfect his own Middot / character traits—in particular, how he must treat another human being—as a prerequisite to Torah study. (Haggadah Shel Pesach Shirat Ha'geulah p.42)

"You shall not cook a kid in its mother's milk." (23:19) "You shall not cook a kid in its mother's milk." (Shmot 34:26) "You shall not cook a kid in its mother's milk." (Devarim 14:21) Midrash Mechilta teaches: Why was this commandment taught three times? Because Hashem made three covenants with Yisrael: one at Har Sinai (Shmot 24:7-8 — in our Parashah), one on the

plains of Moav (Devarim 29:11), and one at Har Gerizim and Har Eival (Devarim ch.27; Yehoshua 4:30-35). [Until here from the Midrash] R' Tzvi Abba Gorelick z"l (Rosh Yeshiva of Yeshiva Gedolah Zichron Moshe in South Fallsburg, N.Y.; died 2010) asks: Why is the prohibition of mixing meat and milk an appropriate reminder of Hashem's covenants with the Jewish People? He explains: Midrash Tehilim (ch.8) relates that when Bnei Yisrael made the Golden Calf, the angels rejoiced, saying, "Now Hashem will return the Torah to the Heavens." When Moshe then ascended to receive the second Luchot, the angels said to Hashem, "Master of the World! A short time ago, they [made a Golden Calf and thus] transgressed the Torah, which says (Shmot 20:3), 'You shall not have other gods in My presence!'" The Midrash continues: Hashem replied to the angels, "When you visited Avraham, did you not eat meat and milk together, as we read (Bereishit 18:8), 'He took cream and milk and the calf which he had prepared, and placed these before them; he stood over them beneath the tree and they ate?'" When a Jewish child comes home from school to eat lunch, he already knows not to eat meat and milk together!" [Until here from the Midrash] It emerges, concludes R' Gorelick, that Bnei Yisrael received the Torah specifically because of the prohibition of mixing meat and milk. (Pirkei Mikra)

"I shall not drive them away from you in a single year, lest the Land become desolate and the wildlife of the field multiply against you. Little by little shall I drive them away from you, until you become fruitful and make the Land your heritage." (23:29-30) Midrash Tanchuma mentions our verse when it describes the reward Hashem promised Avraham Avinu for hosting the three angels. Specifically, commenting on Avraham's words (Bereishit 18:4), "Let a little water be taken," the Midrash relates that Hashem said to Avraham: "Because you said, 'Let [there] be taken,' I will give your descendants the Mitzvah of Korban Pesach, about which it says (Shmot 12:3), 'They shall take for themselves — each man — a lamb or kid . . .' Because you said, 'A little,' I will drive out your descendants' enemies little-by-little [so that Bnei Yisrael can settle the Land as they conquer it and wild animals will not take it over, as promised in our verse]. Because you said, 'Water,' I will give your descendants water in the desert." [Until here from the Midrash] Why is Avraham rewarded for saying that he will bring "a little" water? R' Uri Weisblum shlita (Mashgiach Ruchani of Yeshivat Nachalat Ha'levi'im in Haifa, Israel) explains: The Gemara (Bava Metzia 87a) derives from Avraham's interactions with the angels that "The righteous say little and do a lot." Avraham offered the angels bread, but he brought them an entire meal. In contrast, "The wicked say a lot and do not do even a little"—like Efron, who first offered to give away the Me'arat Ha'machpelah for free, and then demanded an exorbitant price for it. R' Weisblum writes: The above Midrash is teaching us that "Tzadikim say little" does not mean only that they say few words; it also means that they downplay their own words. He explains: If Avraham had said, "Let water be taken" (without "a little"), it would have meant "unlimited water." And, certainly, Avraham would have given his guests as much water as they wanted. However, by saying "a little" water, Avraham was modestly downplaying his kindness. For that proper use of speech, he certainly deserved a reward! (He'arat Ha'derech p.319)

"Hashem said to Moshe, 'Ascend to Me to the mountain and remain there, and I shall give you the stone Luchot / Tablets and the teaching and the commandment that I have written, to teach them.'" (24:12) R' Asher Yeshayah Rubin z"l (1777-1845; Ropshitzer Rebbe) said in the name of R' Menachem Mendel of Rymanow z"l (1745-1815; early Chassidic Rebbe): "At Har Sinai, Bnei Yisrael heard 'Kamatz Aleph'." Obviously this is not meant to be taken literally—that they heard the sound of the letter Aleph vowelized with a "Kamatz." Rather, R' Asher Yeshayah explains: The verb "Kamatz" (קָמַץ) means to constrict or tighten. "Aleph" (אֵלֶף) is an acronym of the Hebrew words "Ozen, Lev, Peh"/ "ear, heart, mouth." Together, the Gematria of "Ozen, Lev, Peh" equals the Gematria of "Einayim" / "eyes." As such, R' Menachem Mendel is teaching that the key to successfully aligning one's behavior with the Torah is to "constrict"—limit or control—the

types of thoughts that go into one's heart, the sights and sounds that go into one's eyes and ears, and the types of speech that come out of one's mouth. Guarding the eyes is most important, as hinted by the fact that the Gematria of Einayim is equal to the other three combined. (Dvash Ha'sadeh #168) Shabbat R' Yosef Karo z"l (1488-1575; Greece and Eretz Yisrael) writes: Even if a person has a large household staff, he should make an effort to prepare something for Shabbat himself in order to honor the day—for example: the Talmudic sage Rav Chisda would chop vegetables very fine; Rabbah and Rav Yosef would chop wood; Rabbi Zera would light the fire; and Rav Nachman would clean the house, put away the weekday dishes, and take out the Shabbat dishes. Every person should learn from these sages not to say that such activities are beneath his dignity. To the contrary, a person is honored when he honors Shabbat. (Shulchan Aruch: O.C. 250:1) R' Betzalel ben Shlomo z"l (1640-1691; Darshan in Slutsk and Przemysl) asks: In general, a person may perform a Mitzvah through a Shaliach / proxy. Why, in the case of preparing for Shabbat, do we say that it is preferable to perform the Mitzvah in person? He explains: The Gemara (Kiddushin 41a) teaches that although a man could, technically speaking, betroth a wife via a proxy, it is Mitzvah for a groom to perform the betrothal personally. [Until here from the Gemara] Midrash Rabbah teaches that Shabbat said to Hashem, "Every day has a mate: Sunday has Monday, Tuesday has Wednesday, and Thursday has Friday. Only I do not have a mate." Hashem answered, says the Midrash: "The Jewish People will be your mate." [Until here from the Midrash] As such, concludes R' Betzalel, since Shabbat is our bride, we should take part personally in preparing for her. (Korban Shabbat 1:5)

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OU Torah Mishpatim Rabbi Menachem Leibtag on Parsha
Mishpatim: A Special Unit - An Educational Progression
Rabbi Menachem Leibtag

This shiur provided courtesy of The Tanach Study Center In memory of Rabbi Abraham Leibtag

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.

Subdividing 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 lamakom" [laws between man & God] to "bein adam l'chavero" [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 lamakom".

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 mizbeich [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 l'chavero" - 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:

PESUKIM	TOPIC
20:19-20:23	How to worship God via the 'mizbeach'
21:01-23:12	A misc. assortment of civil laws
23:13-23:19	Worshipping God on the 3 pilgrimage holidays
23:20-23:33	--- God's promises re: entering the land

With this in mind, let's examine the internal structure of the "bein adam l'chavero" 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:

PESUKIM	TOPIC
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

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 lamakom" [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' pesukim, 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 pesukim (22:27-30) form a 'parshia', and at first glance appear to fall under the category of 'bein adam lamakom'. 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 firstborn] of your oxen and 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 chapter 19). 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 Shemot 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 pesukim 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 HaMatzot' - seven days eating matza
- 'Chag HaKatzir' - wheat harvest (seven weeks later)
- 'Chag HaAsif' - produce harvest (seven days). (23:10-19)

Nonetheless, it should be noted how the laws of shmita and shabbat are actually presented from the perspective of 'bein adam le-chavero'. The 'shmita' cycle provides extra food for the poor and needy (see 23:11), while 'shabbat' provides a day of rest for the 'bondsmen and stranger' (see 23:12). In this sense, these two laws form a beautiful transition from "bein adam l'chavero" section to the concluding "bein adam lamakom" 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 - Tzedakah & 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 lamakom" and a # denotes laws "bein adam l'chavero".

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 'mizbeach' (20:19-20:23) [i.e. how to
LAYER 1	# The civil laws - 'case' laws for "bet-din" (21:1-22:16) i.e. laws that

* BUFFER short set of laws "bein adam lamakom" (22:17-19)
 LAYER 2 # The ethical laws -individual behavior (22:20-23:12) i.e. laws that properly worship God
 * 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. TZEDAKAH or righteous behavior.

Back to Avraham Avinu!

If your remember our shurim 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 TZEDAKAH & 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:

1) 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.

2) 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.

3) 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 tihyun 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!).

4) 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, shmita, 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 - 23:20-23 - 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 Land of Canaan. TZEDAKAH for right to obey Him [God's 'mal'ach'] and do all that I have commanded you to do. I will be your God, and you will be My people. I will be your Godly Father 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.

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https://www.chabad.org/parshah/article_cdo/aid/628726/jewish/Aliyah-Summary.htm

Mishpatim Aliyah Summary

General Overview: This week's reading, Mishpatim, details many laws, including laws related to slaves, personal injury, loans, usury, and property damage. The end of the portion speaks of the preparations the Israelites made before receiving the Torah at Mt. Sinai.

First Aliyah: This section discusses laws pertaining to the Israelite servant, his mandatory release after six years of service, and the procedure followed when a servant expresses his desire to remain in his master's service. The Torah continues with the laws of the Israelite maidservant, and her terms of release. Other laws contained in this section: a husband's obligations towards his wife; punishments for murder, manslaughter, kidnapping and abusing parents; and the penalties accrued by a person who injures another.

Second Aliyah: This section continues with laws of personal injury: the punishment for one who kills or injures his servant and for one who causes a woman to miscarry. The Torah then shifts its focus to a person's liabilities for damages caused by his possessions, such as an ox that gores; or his actions, such as leaving an open pit uncovered. A person who steals is liable to pay the capital plus punitive damages. The section concludes with a person's right to self-defense when facing a marauding thief.

Third Aliyah: An arsonist is liable for damages caused by fires he ignites. The Torah then details the potential liabilities of an individual who

undertakes to be a guardian of another's possessions, a borrower, and a renter. More laws: the punishment for seducing a young woman, sorcery, bestiality and offering an idolatrous sacrifice; prohibitions against harassing a foreigner, widow, or orphan; the mitzvah of lending money to the poor and the prohibition against lending with interest.

Fourth Aliyah: This section, too, introduces us to many new mitzvot: the prohibitions against cursing a judge or leader, consuming meat that was not ritually slaughtered, offering a sacrifice before the animal is eight days old, perjury, and judicial corruption; the commandments to separate all agricultural tithes in their proper order, sanctify the first-born son, return a lost animal to its owner, and help unload an overburdened animal.

Fifth Aliyah: We are commanded not to lie or take a bribe. The mitzvah of the Shemittah (Sabbatical year) is introduced: six years we work and harvest the land, and on the seventh year we allow the land to rest. Similarly, on a weekly basis, six days we work and on the seventh day we – and our cattle and servants – must rest. We are forbidden to mention the name of other gods. We are commanded to celebrate the three festivals — Passover, Shavuot and Sukkot – and to make pilgrimages to the Holy Temple on these occasions. Finally, we are told not to cook meat in (its mother's) milk.

Sixth Aliyah: G-d informed the Israelites that He would dispatch an angel to lead them into Canaan. This angel would not tolerate disobedience. If, however, the Israelites would hearken to the angel, and eradicate idolatry from the Promised Land, then they will be greatly rewarded. Their Canaanite enemies will fall before them and G-d "will bless your food and your drink, and will remove illness from your midst."

Seventh Aliyah: This section continues describing the blessings the Israelites will receive if they faithfully serve G-d: no miscarriages or barren women, longevity, wide spacious borders and supernatural assistance in their quest to conquer the Holy Land. G-d warns the Israelites against entering into treaties with the Canaanite natives or allowing them to remain in the land after the Israelite invasion. The Torah now relates some of the events that occurred in the days immediately prior to the giving of the Torah. Moses went up the mountain and received a message from G-d which he communicated to the people. The Israelites enthusiastically committed themselves to following all of G-d's laws. Moses transcribed the "Book of the Covenant" and read it to the people. Then, together with the Israelite firstborn, Moses offered sacrifices and sprinkled the blood on the people, bringing them into a covenant with G-d. This section concludes with G-d summoning Moses – after the giving of the Torah – to ascend the mountain where he would remain for forty days and nights, and would then be given the Tablets.

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Rabbi Chaim Jachter **Shehiya**

Chazal forbade placing food on the fire before Shabbat begins (Shehiyah) lest one stir the coals to make the food cook faster (Shabbat 18b). The Gemara (Shabbat 36b) records a great controversy between the Chachamim and Chananiah regarding its scope. The Chachamim forbid Shehiyah unless the food is cooked entirely, and any further cooking will detract from its quality (Mitzamek VeRa Lo). Chananiah limits the decree to where the food is not cooked to the extent that it is marginally edible (Ma'achal Ben Drosai).

The Rishonim vigorously debate whether the Halachah follows the Chachamim or Chananiah. The Rif, Rambam, and Ramban follow the Chachamim, whereas Rashi, Tosafot, and the Baal HaMaor support Chananiah. Rav Yosef Karo (Shulchan Aruch O.C. 253:1) codifies the Chachamim as the primary view. This ruling is hardly surprising, as the major Sefardic Rishonim follow the Chachamim. The Rama (ibid.), on the other hand, notes the long-standing Ashkenazic custom to follow Chananiah.

Ashkenazic Practice

Interestingly, the Bi'ur Halachah (253:1 d'h VeNahagu) writes that it is preferable to follow the Chachamim. He notes that the Beit Yosef cites the Rosh (Shabbat 3:1), who seems to reluctantly tolerate the Ashkenazic practice of following Chananiah. The Rosh writes that "since there are many opinions on this matter and the Jewish People are highly committed to observing the Mitzvah] to enjoy Shabbat, and they will not adhere to the stringent view, let them follow their custom to follow Chananiah."

The Chazon Ish (O.C. 37:3) interprets the Rosh in a significantly different manner. The Chazon Ish understands the Rosh as initially positing that, since this is a complex dispute, one should be strict and avoid attempting to resolve it. However, since one will often detract from Oneg Shabbat by avoiding the disagreement, one's reaction will be that he wishes to follow the basic Halachah and not be strict. Indeed, the people have the right to do so because this is a matter of rabbinic law, and they are the descendants of those who followed the lenient view based on their Rabbis' ruling. Thus, the Chazon Ish concludes that one may adhere to the Ashkenazic tradition to follow Chananiah without reservation. This seems to be the Rama's intent, as he does not add a preference for stringency (contrast, for example, with the Rama to O.C. 253:2). The Chazon Ish is well-accepted. However, Dayan Yaakov Yechezkel Posen (Kitzur Hilchot Shabbat p. 51) and Shmirat Shabbat KeHilchata (1:63) prefer accommodating the Chachamim, following the Bi'ur Halacha.

Sephardic Practice

Rav Mordechai Eliyahu (Teshuvot Ma'amar Mordechai 254:7) understands the Shulchan Aruch (Orach Chaim 253:1) to be ruling as the Rif, Rambam, and Ramban, who follow the Chachamim. Indeed, the Shulchan Aruch presents Chananiah only as the secondary view. Surprisingly, though, Yalkut Yosef (Orach Chaim 253:1) writes that Sepharadim customarily follow Chananiah. He believes that the Shulchan Aruch in Orach Chaim 254:4 changes his mind and codifies Chananiah. He concedes, though, that it is best also to have the food on a Blech to satisfy the stricter view.

Does a Blech Help? Shulchan Aruch vs. Rav Akiva Eiger

The Shulchan Aruch (ibid.) indicates that this dispute pertains only if the food is placed on a fire not covered by a Blech. Shehiyah is prohibited due to the concern that one may come to stir the coals. However, a Blech remedies this concern. Thus, Shehiyah should be permitted if a Blech covers the fire. Nevertheless, Rav Akiva Eiger (ibid. s.v. Oh Nitbasha) posits that Chananiah does not permit Shehiyah if the food is not cooked to the point of Ma'achal Ben Drosai, even if there is a Blech. The Mishnah Berurah (254:50) follows the Shulchan Aruch. He merely notes the view of Rav Akiva Eiger (Bi'ur Halachah 253:1 s.v. Ve'im). For a response to Rav Akiva Eiger's concern, see Rav Mordechai Willig's Am Mordechai, Shabbat p. 39.

The Shulchan Aruch and the Mishnah Berurah are well-accepted (as noted by Rav Shlomo Zalman Auerbach, Teshuvot Minchat Shlomo 2:12 and Teshuvot Yabia Omer 6: Orach Chaim 32:1), but Rav Yosef Dov Soloveitchik (cited by Rav Hershel Schachter in Beit Yitzchak 28:18) reports that Jews in pre-war Galicia customarily followed Rav Akiva Eiger. My highly respected cousin, the Lower East Side's Rav Yosef Singer (who served as a Rav in pre-war Galicia), confirms the authenticity of Rav Soloveitchik's report. My fellow "Galicianers" should consult with their rabbis as to whether our Galician heritage still binds us to our ancestral practice. Rav Mordechai Willig (who is also a Galicianer) told me that we may follow current practices.

Kidrah Chaita

The Gemara (Shabbat 18b) and Shulchan Aruch (253:1) permit Shehiyah if raw meat is placed in the pot immediately before Shabbat, as there is no concern for stirring the coals. Food will not be ready for the Friday night meal, no matter how much it is stirred, since it takes a very long time to cook. Moreover, the food will be ready for the Shabbat afternoon meal, even if it will not be stirred. The Mishnah Berurah and Aruch Hashulchan (253:8-9) do not express any reservations about relying on this rule.

Nevertheless, Rav Yosef Eliyahu Henkin (Kitvei Harav Yosef Eliyahu Henkin 2:19; who lived in New York in the mid-twentieth century) insisted that we may no longer rely on the Kidrah Chaita approach. Among his concerns was that modern ovens are significantly more efficient than those used in pre-modern times. Rav Henkin notes that raw meat cooks relatively quickly in modern ovens. Hence, he argues that the concern that one may come to stir the coals (or adjust the flame) is relevant today even if raw meat has been added to a dish.

Rav Yosef Dov Soloveitchik (cited by Rav Hershel Schachter, *Nefesh HaRav* pp. 156-157) agrees. However, Rav Moshe Feinstein (cited by Rav Shimon Eider, *Halachos of Shabbos*, p. 336, note 783), Dayan Yaakov Yechezkel Posen (*Kitzur Hilchot Shabbat*, p. 51-52), and Rav Pinchas Teitz (reported by his son Rav Elazar Mayer Teitz) believe that we still may rely on the Kidrah Chaita. Rav Schachter (*The Laws of Cooking and Warming Food on Shabbat*, p. 184) and Rav Willig (*The Laws of Cooking and Warming Food on Shabbat*, p. 126) follow the stricter approach.

However, Rav Simcha Bunim Cohen (*the Shabbos Kitchen*, p. 56) and Rav Mordechai Willig (*"The Laws of Cooking and Warming Food on Shabbat*, p. 126) believe that the Kidra Chaita rule has reemerged with the advent of the crockpot. Since crockpots cook their contents slowly, the Kidra Chaita rule has reemerged as relevant regarding them.

Conclusion

Many are not familiar with the Halachot of Shehiyah, which is a shame, especially since they are easy to implement. One needs only be alert to this issue and plan to satisfy its requirements.

Postscript – Placing Water in the Urns Long Before Shabbat

It is important to follow Rav Moshe Feinstein's ruling (*Teshuvot Igrot Moshe* 4:74 Bishul 29) and place water in the urn long before Shabbat, for the water to reach *Yad Soldet Bo* (160-180 degrees Fahrenheit in this case) before Shabbat starts. There is much discussion regarding the usage of urns on Shabbat; two summaries are archived at:

<https://www.star-k.org/articles/kashrus-kurrents/6473/urns-pump-pots-in-halacha-part2/>

and <https://etzion.org.il/en/halacha/orach-chaim/shabbat/using-urn>. Kol Torah

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Vol. 13 #18, February 13-14, 2026; 27 Shevat 5786; Mishpatim 5786 Shabbat Shekalim; Mevarchim HaHodesh; Rosh Hodesh Adar Tues/Wed. "And these are the ordinances that you shall place before them:" (21:1).

The grammar in the opening of Mishpatim instructs us. "And" indicates that the text continues directly from what comes immediately before. There is no "Vayitaber" (and Hashem said to Moshe) – another indication that God's conversation to Moshe from the end of Yitro continues without interruption.

In short, Mishpatim continues the Revelation, Aseret Dibrot, and how to build a ramp up to the alter where B'Nai Yisrael may offer korbanot (sacrifices).

The people are afraid of receiving direct communications from Hashem and ask Moshe to listen and then tell them God's message. Rabbi Ysoscher Katz relates the Revelation and Mishpatim to Michaelangelo's famous ceiling painting of Adam reaching for God's fingers but not quite able to reach them. What is the meaning of this empty space? To Rabbi Katz, Rabbinic law, halacha, bridges the gap. We learn from the Talmud that Hashem gave the Torah to humans rather than to angels and that we have a divine mandate to connect with Hashem and fill in gaps in the written Torah. Torah depends not only on the written Torah – it also includes Rabbinic interpretation in a long line starting with Moshe:

Moses received the Torah at Sinai and transmitted it to Joshua, Joshua to the elders, and the elders to the prophets, and the prophets to the Men of the Great Assembly. . . . Pirkei Avot, 1:1 [Sefaria].

This connection back to Moshe ensures that the Oral Torah is also holy and divine. Rabbi Katz interprets Michaelangelo's ceiling painting as optimistic – halacha fills the space so we have a direct path to reach God.

Rabbi Lord Jonathan Sacks, z"l, reminds us that when humans obey Hashem's mitzvot, especially by treating strangers (foreigners) and disadvantaged members of society properly, we are little lower than angels. However, when we oppress the needy members of society, we are lower than beasts. The Torah and prophets remind us repeatedly that we must not mistreat or oppress foreigners in any way, because we were strangers in Egypt (22:21) and because the importance of treating strangers properly is why we had to experience exile and slavery before we could enter the Land to build our own society and state. To quote Rabbi Sacks:

The best way of curing antisemitism is to get people to experience what it feels like to be a Jew. The best way of curing hostility to strangers is to remember that we too – from someone else's perspective – are strangers. Memory and role-reversal are the most powerful resources we have to cure the darkness that can sometimes occlude the human soul.

Rabbi Marc Angel relates a story of a poor yeshiva student who asked a shoemaker to make him a gift of a pair of shoes for winter. The shoemaker said that he could not afford to provide gifts of shoes for numerous poor students. Years later, the yeshiva student was a famous Torah scholar, and the shoemaker wanted to help sponsor printing his sefer. The former student refused the offer, because the poor student needed this donation, but now that he a famous Torah scholar, it was too late. Hillel asked, "If not now, then when?" The time to help the disadvantaged members of society is now, when they need help – not in the future, after they receive help from elsewhere.

Rabbi Dr. Katriel (Kenneth) Brander reminds us that the most effective way to generate tzedakah is from the bottom up, not from the top down. When people feel that their help can make a difference, they are most willing to help the needy (whether institutions or individuals). Yes, there will always be needy members of society. The most effective way to help them is to reach members of society with the means to provide help – but to do so in a way that they feel involved and that they can make a difference. The challenge for those who wish to organize help for others is to find a way to make people feel individually involved in helping others – not to put layers of institutions between the target donors and the needy.

My beloved Rebbe, Rabbi Leonard Cahan, z"l, taught me Torah and Jewish history for nearly fifty years. One important lesson that I learned from Rabbi Cahan: the basis of any civilized society is the first Commandment, Hashem is our God – everything else follows. We all struggle with finding a way to teach our children and grandchildren the importance of helping those less fortunate than we are. Mishpatim gives a starting point, and hopefully those who follow us will learn and build on these lessons.

Shabbat Shalom,

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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 chiasmic 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 be 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 chiasmic 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 Pharaoh") 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'eresheet 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.

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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 commandment 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 '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 'mizbeichal' [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 altar (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 arach 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 give 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

=====

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).

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 l'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

With this in mind, let's 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 ["neziikin"] 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 **shaker** tirschak" - 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'chavero" 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'chavero".

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 you 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-inav **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 chiasmic structure, which encompasses the entire unit from Shmot chapters 19->24.

Note the chiasmic 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 'luchoth' containing the 'dibrot'.

A chiasmic 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.