

Weekly Internet Parsha Sheet

MISHPATIM 5785

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Rabbi Wein's Weekly Blog

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

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

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

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

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

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

Shabat shalom.

Rabbi Berel Wein

The Slow End of Slavery

Mishpatim

Rabbi Jonathan Sacks

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

This is not accidental but essential. In Judaism, law grows out of the historical experience of the people. Egypt was the Jewish people's school of the soul; memory was its ongoing seminar in the art and craft of freedom. It taught them what it felt like to be on the wrong side of power. "You know what it feels like to be a stranger," says a resonant

phrase in this week's Parsha (Ex. 23:9). Jews were the people commanded never to forget the bitter taste of slavery so that they would never take freedom for granted. Those who do so, eventually lose it.

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

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

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

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

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

Ex. 21:2-6

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

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

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

Deut. 5:12-14

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

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

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

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

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

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

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

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

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

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

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

Miracles and Torah Scholars

Revivim

Rabbi Eliezer Melamed

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

mistake, where people rely on the blessings of a rabbi, and do not make efforts in Torah study, repentance, and good deeds

The Story of Rabbi Hanina ben Dosa

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

The Role of the Minister and the Servant

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

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

On the Other Hand – Miracle Workers

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

Stories about Rabbis and Righteous People

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

Rabbi Nachman's Parable about Two Sons of the King

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

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

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

The Value of Miracle-Workers

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

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

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

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

The Importance of Miracles

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

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

intellect needs miracles and wonders to believe in the Creator and fear Him" (Kedushat Levi, Parshat Beshalach).

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

The Caution of Rabbis Regarding Miracles

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

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

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

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

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

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

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

We also find reference to laws between human and God:

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

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

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

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

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

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

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

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

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

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

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

The Shabbat, a ritual which takes over our lives every seventh day, and is the climactic event for which we prepare the other six days, is biblically ordained as both a reminder of God’s creation of the world as well as His redeeming us from Egypt. I have already explained the connection between these two events in my commentary on *Va’era*, if God is the creator of the world and we are all His creatures, no human has the right to enslave another. On this day of reverence for life, we cannot even pluck a blade of grass or pick fruit from a tree. Every creature of God has a right to be. We must recognize and respect every creature as a unique, separate and inviolate entity. Hence, the Shabbat, which seemingly comes to intensify our relationship to God, in reality strengthens our reverence for all life and our sensitivity towards all of existence, towards the whole of the universe. As Martin Buber magnificently taught, anyone who is incapable of saying *Shabbat Shalom* to a tree or to a dog simply doesn’t understand the deepest meaning of the Shabbat.

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

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

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

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

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

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

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

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

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

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

Parsha Insights

By Rabbi Yisroel Ciner

Parshas Mishpatim

The True Value of Five Times

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

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

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

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

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

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

The value of an honest living...

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

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

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

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

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

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

But only by internalizing the ‘mundane’ law of paying five times for an ox...

Good Shabbos,

Yisroel Ciner

L’iluy nishmas Avi Mori Asher Chaim ben Tzvi, hk”m. TNZB”H

Drasha

By Rabbi Mordechai Kamenetzky

Parshas Mishpatim

Sealed and Delivered

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

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

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

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

“Hey,” he drawled, “your kosher stuff doesn’t look too bad after all!” Dovid smiled and was about to take his first bite into the sandwich when he realized that he had to wash his hands for the bread. He walked to the back of the plane to find a sink. It took a little while to wash his hands properly, but soon enough he returned to his seat. His sandwich was still on his tray, nestled in its ripped-open wrapping, unscathed.

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

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

Pensively he sat down, made a blessing on the bread and careful not to eat the meat, he took a small bite of the bread. Then he put the sandwich down and let his hunger wrestle with his conscience. "Hey pardner," cried his neighbor, "what's wrong with the sandwich?"

Dovid was embarrassed but figured; if he couldn't eat he would talk. He explained the Rabbinic law prohibiting unattended meat and then added with a self-effacing laugh, "and though I'm sure no one touched my food, in my religion, rules are rules."

His neighbor turned white. "Praise the L-rd, the Rabbis, and all of you Jewish folk!" Dovid looked at him quizzically.

"When you were back there doin' your thing, I says to myself, 'I never had any kosher deli meat in my life. I thought I'd try to see if it was as good as my New York friends say it is!'

Well I snuck a piece of pastrami. But when I saw how skimpy I left your sandwich, I replaced your meat with a piece of mine! Someone up there is watching a holy fellow such as yourself!"

The Pardes Yosef explains the correlation of the first half of the verse to the second with a quote from the Tractate Yevamos . The Torah is telling us more than an ordinance. It is relating a fact. "If you will act as a People of holiness then you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it. The purity of action prevents the mishaps of transgressions. Simple as that. Keep holy and you will be watched to ensure your purity. Sealed and delivered.

Good Shabbos

Best wishes to the Bergman Family of Flatbush thank you for your kind compliments.

[CS Late breaking dvar torah

https://torahweb.org/torah/2025/parsha/rlp_mishpatim.html

Rabbi Ahron Lopiansky

Mishpatim: The Source of Civil Law

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

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

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

But perhaps the greatest indication of the connection between civil law and Hashem is from the next word, "that you shall place before them". Rashi, quoting the Talmud (Gittin 88b), says that one is prohibited to go to a court that is not religious in its nature even if it rules the same way regarding the particular litigation. Thus, despite the fact we're talking about a case where the Jewish beis din and the secular court will both rule exactly the same way, there is a very strict prohibition against going to the secular court. It is expressed in the following language: "a person who brings a case to a non-Jewish court is desecrating God's name and enhancing the name of the idols". This is really difficult to understand; If the purpose of civil law is to make sure that each person receives that which is rightfully his, then what difference does it make who the arbiter is thereof? Let us take an analogy. Nowadays we check a sefer Torah by a computer program. No one looks askance at it; if anything, we feel it is

more accurate. To be sure we look over all the problems that the computer flagged, and we double check that the computer is not in error. The computer, of course, cannot make the call of whether or not a problem invalidates the Torah. But as far as the technical determination of whether there are issues to examine goes, it does not make any difference. So, if the secular court will issue the same ruling, and the money goes to its rightful owners, why is that treated differently than checking a Torah?

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

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

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

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

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

Rav Kook Torah

Mishpatim: Following the Majority Opinion

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

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

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

Rabban Gamliel was taken aback. "Akiva!" he exclaimed. "When will you stop butting your head into Halachic disagreements?"

With humility, Rabbi Akiva replied, "Master, it is true that you and your colleagues disagree on this matter. But have you not taught us that the Halakhah follows the majority opinion?"

In fact, it is hard to understand Rabban Gamliel's reaction. What did he expect of Rabbi Akiva? Why was he upset?

Two Paths: Logic and Consensus

Jewish law offers two ways to resolve disputes. The first is through rigorous analysis — examining sources, weighing arguments, and seeking truth through reason.

But not every dispute can be resolved this way. Sometimes, logic alone does not yield a clear answer. When that happens, we turn to the second method: consensus. We follow the majority opinion — not because the majority is necessarily right, but because unity has a value of its own. Law cannot exist in perpetual uncertainty. If we are to walk a shared path, we must establish a standard, and the most widely held opinion is the logical choice.

Rabban Gamliel was critical of Rabbi Akiva because he thought the young scholar had the audacity to decide the matter himself. Therefore he castigated him, "When will you stop butting your head into these legal disagreements?" In other words, what makes you think you can use your 'head' — rely on your own powers of reason — to settle disputes where greater sages disagree?

But Rabbi Akiva had not presumed authority beyond his place. He had not ruled by his own logic but had upheld the principle the Torah itself commands: Acharei rabim lehatot — "Follow the majority" (Exodus 23:2).

Rabbi Akiva understood that wisdom is not only knowing when to lead, but also when to follow.

[CS Late breaking dvar torah

from: **Rabbi YY Jacobson** <rabbiyy@theyeshiva.net>

reply-to: info@theyeshiva.net

date: Feb 20, 2025, 7:21 PM

subject: **We All Have An Inner Thief; Make Sure He Pays You Double** - Essay by Rabbi YY

We All Have An Inner Thief; Make Sure He Pays You Double

When Your Inner Thief Steals Your Dignity, You Can Reclaim a Double Portion of It

By: Rabbi YY Jacobson

The Jewish Parrot

After his wife died, an old Jew received a parrot from his sons to keep him company. After a time, he discovered that the parrot had heard him pray so often that it learned to say the prayers. The old man was so thrilled he decided to take his parrot to the synagogue on the Jewish New Year of Rosh Hashanah.

The rabbi protested when he entered with the bird, but when told the parrot could "daven" (pray), the rabbi, though still skeptical, showed interest. People started betting on whether the parrot would pray, and the old man happily took bets that eventually totaled \$50,000.

The prayers began, but the bird was silent. As the prayers continued, there was still not a word from the bird. When the prayers ended, the old man was not only crestfallen but also \$50,000 in debt.

On the way home, he thundered at his parrot, "Why did you do this to me? I know you can pray; you know you can pray. Why did you keep your mouth shut? Do you know how much money I owe people now?"

To which the parrot replied, "A little business imagination would help you, dear friend. You must look ahead: Can you imagine what the stakes will be like on Yom Kippur?"

Double Compensation

This week's Torah portion, Mishpatim, which deals primarily with civil and tort law, presents the following law [1]:

"If a man shall give money or vessels to his fellow to safeguard, and it is stolen from the man's house, if the thief is found, he shall pay double."

Simply put, the Torah states here the law that a thief need not only compensate the victim for the loss; he is also given a penalty and is obligated to pay double the sum that he took.

Yet, a well-known axiom in Jewish thought is that every single passage in the Torah contains, in addition to its literal meaning, a psychological and spiritual interpretation.

The physical and concrete dimension of a mitzvah may not always be practically relevant, yet its metaphysical message remains timelessly relevant in our inner hearts and psyches.

What is the psychological interpretation of the above law?

The Human Custodian

"If a man shall give money or vessels to his fellow to safeguard," can be understood as a metaphor for the Creator of life entrusting each person with "money and vessels to safeguard." G-d grants each of us a body, a mind, a soul, a family, and a little fraction of His world's resources. He asks us to nurture them and protect them from inner and outer forces that threaten to undermine their splendor and wholeness.

Yet, each of us also possesses an inner "thief" who schemes to steal these gifts and use them in an inauthentic way. This "thief" represents the "destructive inclination"—yetzer hara, in Talmudic jargon—that exists within the human psyche and seeks to control my body and mind, hijacking these Divine resources and using them cheaply and superficially, abusing their identity, violating their integrity, and derailing them from their destiny and splendid mission, to channel the infinite Divine energy into our bodies and the world.

When an instinctive thought compels me to surrender to despair, to lose my temper, to binge, to gamble, to drink, to consume something destructive for my body, to fill me with anxiety, fear, envy, or insecurity, my inner "thief" has just "hijacked" part of my soul and my inner Divine and pure identity, making me believe that I am fragmented and disconnected.

When I lie for short-term convenience, or I numb my system to avoid living with full presence, my inner "thief" has robbed me from living in flow, using my energy and limbs to feed the "kelipa" energy, the husks and shells that obscure my inner infinite light. When I cheat in a business deal or behave dishonestly, when I surrender to gossip or slander, my inner "thief" manages to seize my beautiful energy and use it for something that is not real.

Apathy and Guilt

There may be those few individual saints who never fail to safeguard their sacred space.

Yet many of us are subjected to frequent or infrequent visitations by this little thief who conquers particles, chunks or seasons of our lives. How do we deal with it?

Some people feel that their battles against their inner thief are, in the end, destined for failure. They give up the fight, allowing the thief to take whatever he wants, whenever he wants. They develop a certain lightheadedness and cynicism toward living a life of dignity and depth.

Others, at the other extreme, become dejected and melancholy. Their failures instill within them feelings of self-loathing as they wallow in guilt and despair.

Judaism has rejected both of these notions since both deprive us of living life to the fullest, appreciating our sacred Divine core, and leading us into the abyss, one through carelessness and the other through depression [2].

The Majesty of Returning

The Torah, in the above law, offers instead this piece of advice: "If a man shall give money or vessels to his fellow to safeguard, and it is stolen from the house of the man, if the thief is found, he shall pay double." Go out, suggest the Torah, and find the thief. Then you will receive double what you possessed originally!

Here we are introduced to, subtly, the exquisite dynamic known in Judaism as teshuvah, or psychological and moral recovery.

Instead of wallowing in your guilt and despair, and instead of surrendering to apathy and cynicism, you ought to identify and confront your "thief," those forces within your life that keep derailing you.

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

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

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

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

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

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

Airplane Mode While on the Ground

By Rabbi Efreim Goldberg

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

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

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

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

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

If you wake up in the morning and you check your phone before you say good morning to the person sitting next to you, you probably have a problem. If you have to take your phone from room to room, no matter where you go, you probably have a problem. And just like any recreational drug, the more you practice leaving it away, for example if you go out for dinner, you don't need four telephones. Leave one at

home leave one in the car, you have one with your spouse, it's fine. If you have a client meeting leave it in the car, leave it in the bag, never take it out and it becomes easier and easier and you find it easier not to be sucked in by the by the fear mongering as well. So like any addiction, it just takes a little work.

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

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

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

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

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

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

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

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

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

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

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

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

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

Perceptions

By Rabbi Pinchas Winston

Parshas Mishpatim

Good Education

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

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

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

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

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

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

So a person might have been a tzaddik a few times already in previous lifetimes, and not being one in their current life doesn't wipe that away.

Besides, for all we know, God set them up to become this way now to complete a mitzvah while not very religious because of the additional challenge it creates. When we return, it is usually to fix up sins from previous gilgulim, or to perform others that we never fulfilled.

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

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

They were talking about the shidduch of a twenty-eight year-old man with a twenty-seven year-old woman. After hearing that the man had rejected the shidduch, Rabbi Kotler asked, "How old did you say the woman was?" to which the shadchan answered, "Twenty-seven." The rav then said, "But she is not!" "But she is!" the shadchan defended. "I know it for a fact!" Rabbi Kotler then explained, "When you tell a twenty-eight year-old man that a woman is twenty-seven years old, he hears thirty years old. You should have told him a younger age. The accuracy of communication also depends upon what the listener hears!" Likewise, the accuracy of education is not only about the information being taught. It is mostly about, at least in the early years, what is being heard by the student. If love of learning Torah and the performance of mitzvos doesn't come over with the message, the children instead hear the opposite. And when that happens, can we really expect them to pass up the very appealing fruit of the "Tree of Knowledge of Good and Evil" for the hidden fruit of the Tree of Life (Torah)?

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

Rabbi Yissocher Frand

Parshas Mishpatim

Eved Ivri: Rehabilitation, Not Just Reimbursement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chief Rabbi Mirvis

Mishpatim To See or Be Seen...?

Do you come to shul to see or to be seen? In Parshat Mishpatim, the Torah presents us with details relating to the Shalosh Regalim, the three pilgrim festivals, and the key term there is: "Yera'eh"—he shall be seen. That is: to be seen in Yerushalayim for these momentous occasions. However, the Mishnah in Masechet Chagigah points out that "Yera'eh" has the same spelling as "Yireh." One means he shall be seen, while the other means he shall see.

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

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

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

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

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

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

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