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Mishpatim 5784

Enlightened Self-Interest

Rabbi Dr. Norman Lamm z"l (Originally delivered February 20, 1971)

Historians tell us that when they find a law in a document, they assume that the mode of conduct which this law prohibits is the one that generally prevailed before the law was passed.

With this in mind, let us turn to a Talmudic law enunciated as a commentary on one of the verses in this morning's Sidra. We read, as part of the Torah's civil legislation, *אם כסף תלוה את עמי את העני עמך*, "*If you lend money to any of My people, even to the poor with you...*" (Ex. 22:24). It is the verse which, in addition to the prohibition of usury, is the source of the commandment that we must lend our money to those in need. The Rabbis, troubled by the queer construction of the verse – "My people, the poor, with you" – deduced the following order of priority as to who shall be the beneficiary of our generosity in lending money:

עני ונכרי, עני קודם; עני ועשיר, עני קודם; ענייך ועניי עירך, עניי עירך קודמין; עניי עירך ועניי עיר אחרת, עניי עירך קודמין.

If two people solicit your loan, and one is a fellow Jew and one a gentile, then all other things being equal, if you have sufficient to lend only one of them, the Jew takes precedence over the non-Jew. If the two people appearing before you are otherwise equal, but one is a poor man and one a rich man, the poor man comes first. If you are approached for a loan by a poor man who is a relative and a poor man who is a neighbor, the relative is to be preferred over the neighbor. If one of them is a poor man who lives in your town, and the second is a poor man who lives in another town, the poor man who is your neighbor takes precedence over the poor man from afar. (Bava Metzia 71a)

Note well that the Talmud does not bid us neglect the gentile, the non-relative, or the stranger. It does give us a list of priorities. What the Talmud is telling us is that a totally altruistic ethic, which does not recognize intimate human bonds and affiliations, is unnatural, and impractical

– and hence, ultimately morally valueless. An ethic which does not consider and which affirms such human associations as nation, people, family, neighborhoods, is realistic and hence morally invaluable.

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

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

I recall a passage in the notorious "Symposium of Intellectuals," which appeared several years ago in Commentary magazine. One writer, who apparently came from a warm, ethnic Jewish home against which he had been leading a decades-long adolescent rebellion, complained that in his family people would, upon reading in the newspapers the casualty list of some airplane disaster, scan the names for those which were Jewish-sounding and express their horror at finding such names. I confess that for many years thereafter I was embarrassed when I found myself doing the same thing. The embarrassment, however, was short lived, because I soon noticed that this nefarious, tribalistic habit was not unique to Jews. When an airplane disaster occurred overseas, the American press would itself list the names only of American passengers. And in the listing of Vietnam War casualties, the New York newspapers would list only New

York names, the Chicago newspapers only Chicago names, etc... It dawned upon me, as it never dawned upon the pretentious intellectual of Commentary who had liberated himself from his parents' Jewish provincialism, that it is quite rational and natural for people to give emotional and practical priority to those who are closest to them, either in flesh or faith or geography. I realized that one can feel greater attachment to his fellow Jews in reading of such unfortunate events, without in the least detracting from his fundamental human compassion for all his fellow men. To give priority to Jews does not imply disdain for gentiles. To give precedence to the poor of your city does not compel you to an attitude of cruelty to those who live afar. To love your family does not imply to hate your friends.

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

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

The time has long passed for us to get away from the pretense of supposedly non-sectarian bodies with all-Jewish membership. We should by now have sufficient dignity to do away with that colossal make-believe that when defending Jewish interests. That is nonsense! There is nothing wrong with defending your own interests and

those closest to you. Show me a man who does not love his own children, and I will show you a man whose love for other children I do not trust. If there is a person who has no feeling for his own people, his feeling for other people is meaningless. There is no reason to be embarrassed by asserting clearly and unequivocally the principle of "the poor of your city come first." There is no need to excuse American Jewish support of Israel by the old U.J.A. slogan that, "Israel is the only bastion of democracy in the Middle East." It is true that it is the only fortress of democracy in the Middle East. But what if Lebanon were similarly democratic, would that call for the U.J.A. to divide its funds equally between Israel and Lebanon?

There is nothing undemocratic, non-humanitarian, or unenlightened about Jewish solidarity. It is natural, proper, understandable. On the contrary, for Jews to pretend and dissimulate and apologize is unnatural, degrading, undignified, and humiliating.

For too long have we allowed the apostles of extravagant universalism to lay exclusive claim to the prophetic tradition, as if the Prophets of Israel demanded that the Children of Israel abandon all claims to their self-interest and think first and foremost, if not altogether, only about the welfare of the Egyptians and Babylonians and Hittites. That, of course, is nonsensical. The Prophets' universalism grew out of their nationalism, and was not at all in conflict with it. Remember the famous words of Isaiah (58:7) which roll down at us with the force of a thunderclap every Yom Kippur afternoon when we read them as part of the Haftorah –

הָלוֹא פָּרַס לְרַעַב לֶחְמֶךָ וְעֲנִיִּים מְרוּדִים תְּבִיא בְּיַת כִּי־תִרְאֶה עָרִם
וְכִסִּיתוּ וּמִבְּשָׂרְךָ לֹא תִתְעַלֵּם.

The prophet tells us that the true fast must result in a genuine moral transformation of man, so that he will break his bread and share it with the hungry; and bring into his own home the abandoned poor; and offer clothing to cover the nakedness of those who can afford no garments. But the climax comes in the last three words, *ומבשרך לא תתעלם* – "From thine own flesh hide not thyself!" Do not imagine that charity to all means neglect of those closest to you! Of course you must break bread with all the hungry and offer shelter to all the poor and give clothing to all the naked, but without this last reminder not to ignore your own flesh and blood, what came before is simply universalistic preachment that makes good copy for a liberal press but it is otherwise ineffective and meaningless; with it, you have true prophecy, the kind that can become actualized as a real ethic of life. The prophets did not preach love of Man,

but the love of men, beginning with your own. Only if “the poor of your city take precedence,” will we learn to care as well “for the poor of another city.”

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

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

But most important, even if we should assume that such government aid would not accord with the strictest and most rigorous application of the principle of separation of Church and State – and I seriously doubt whether there was any time in the history of this country that this principle was maintained in its pristine purity – and even if such federal aid were to be considered in the minus column of the equation that determines the welfare of the public schools system, do not the American Jewish organizations have any obligation to Jewish parents whose children attend day schools – the only real guarantee of survival of Jewish life in this country? Must these organizations persist in their knee-jerk reactions without ever reconsidering their policies on the basis of an enlightened self-interest? Are not “Jewish Jews” also a part of their constituencies?

All of life, all of law, all of politics revolves around the question of conflicting interests and competing claims. There is little in these areas that is all black or white. It is true that we must not always prefer our own individual

interests over the overriding interests of the general welfare. But must the American Jewish Congress and the Federation of Jewish Philanthropies make it a rule that “the poor of the other city come first?” Have we not pushed the universalistic myth to the point of self-denigration and self-harm?

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

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

The Talmud (Hullin 63) asks why in the Bible the stork is called חסידה, a word from the root חסד, which means love or charity or kindness. The Talmud says:

למה נקרא שמה חסידה? שעושה חסידות עם חברותיה.

It is called חסידה because the stork performs acts of חסד or benevolence with its friends and children. Whereupon the Hasidim ask: If so, why does the Bible consider the stork or חסידה an unclean bird, non-kosher and unfit for human consumption? And they answer: because it is kind only to its own young and not to the young of other species of birds!

If we are to be sane, natural Jews, we must care for our own first. But if we are to be kosher Jews, we must not neglect the others.

We must therefore strike a balance between ethnic introversion and exclusiveness on the one hand, and universalistic masochism and self-denigration on the other. With Maimonides, we must choose the middle way in this as in all else, between the unhealthy consequences of the universalistic myth and the commandment, “From thine own flesh hide not thyself.”

The trouble with some people is that for them charity begins at home and ends at home. The trouble with others is that their charity excludes their own home, and therefore ends up as a solemn and vacuous joke. The right way is for charity to begin at home, and then to extend in ever-widening and concentric circles outward, to encompass all people.

Perhaps all this was best summed up by that immortal

Bringing it Down

Rabbi Joshua (The Hoffer) Hoffman z”l

At the end of last week’s parsha, Yisro, after the Jewish people experience the divine revelation at Mt. Sinai, we are told that they saw the sound, the flames, and the rest of the effects occurring in that area, and that they trembled and kept their distance. They then tell Moshe that he should address them, rather than God, lest they die. Seeing and hearing this, Moshe told them, “Do not fear, for in order to exalt you (‘lenasos eschem”) has God come, so that His fear shall go before you, so that you shall not sin (Shemos 20:17).” He then approaches the thick darkness around the mountain, and receives a further message from God, with a series of commands concerning the prohibition of making images of silver and gold. And the obligation of making an altar, and how to walk up its ramp. After these commands are recorded, the Torah goes on to the next parsha, Mishpotim, which consists largely, although not exclusively, of the Torah’s code of civil law. We need to understand why Moshe’s message to the people, including the several commandments which he conveyed to them, follows after the revelation at Mt. Sinai, and why the Torah then goes on to present the laws that are found in parshas Mishpotim. Understanding these points will, I believe, will give us an insight into the nature of the laws we find there.

Our translation of the phrase ‘lenasos eschem’ as ‘to exalt you’ follows Rashi’s interpretation. However, Ramban finds difficulty with Rashi’s approach, because there was no one to witness how the nation became exalted. Ramban himself offers a number of different explanations

aphorism of Hillel the Elder: וכשאני לעצמי, אהאני לי מי לי, *“If I am not for myself, who will be for me? And if I am for myself alone, what – or who – am I?”*

Jewish moods are notoriously volatile, often gyrating from one extreme to the other without going through the transitions.

It is best that we always remember and practice both principles: אהאני לי מי לי, the priority of our own needs; and וכשאני לעצמי מהאני, to proceed therefrom to service to all other human beings. Both together are the Golden Mean of enlightened self-interest.

Now, above all, is the time to reassert this authentically Jewish doctrine, for ואם לא עכשיו אימתי, *“if not now, when then?”*

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of the phrase, and concludes by saying that he prefers to explain the phrase as meaning ‘to test you.’ After God had removed any doubt from their minds about Him, through granting them a very high level of prophecy at Mt. Sinai, he now wanted to see if they loved Him and desired His commandments. I would like to use Ramban’s explanation as a starting point, but refer back to what he says in parshas Vayeira concerning the tests of Avrohom, and then explain our verses with the background of those tests in mind.

In parshas Vayeira, Ramban says that God does not test someone in order to find out whether he can withstand the test. Rather, God wishes to activate that potential which the person has thus far held within himself. My teacher, Rav Aharon Soloveichik, zt”l, further explained the Ramban to mean that God tests a person in order to convince him that he does, indeed, have that potential, and can conduct his life in accordance with it. Although the Ramban says this in regard to the test of the akeidah, there was a further test that Avrohom had to undergo, according to Rabbeinu Yonah, and, possibly, it appears, according to the Ramban himself. Rabbeinu Yonah, in his commentary to Avos, writes that the final test that Avrohom was subjected to was the need to purchase a burial plot for Sarah, even though God had promised the land to his descendants. Why was there, indeed, a need for any further test following the akeidah? Didn’t the angel of God tell him that he had reached the level of fear of God, which, as the Maharsha explained based on Rav Yosef Albo’s categories in his Sefer Halkkarim, refers to the awe and reverence

of God, which is a result of the love of God? What more could be expected from Avrohom after reaching this level? Rav Eimelech Bar Shaul explained, in a eulogy he gave for Rav Betzalel Zolty, that Avrohom needed to descend from the plateau he had reached at Mt. Moriah and bring the level he had reached there into play in the affairs of his daily life. Thus, after leaving the mountain, he went on to display the ultimate level of chesed, or kindness, by attending to the burial of his wife, despite the fact that it entailed expending a great deal of money for a plot of land that God promised to his descendants. With this explanation in mind, we can now better understand the verses at the end of Yisro, and the reason for presenting the laws in parshas Mishpotim at this moment in time.

As we mentioned, according to Ramban, after the nation experienced prophecy at Mt. Sinai, God wished to test them to see if they loved Him and desired His commandments. The commandments that are mentioned at the end of parshas Yisro are prohibitions of making gods of silver or gold, the requirement to build altars on which to serve God, and a prohibition of taking long strides when walking up to the altar. All of these commands and prohibitions, it seems, are related to one's relationship with God as manifested in the mishkan. Rashi explains that the prohibitions of making gods of silver and gold relate to the service in the mishkan, telling the people that although the aron, or holy ark, will have cherubs on top of it, they are not allowed to decide to make such images on their own in order to worship God. The people are then commanded to build altars on which to serve God, and, finally, they are told that they must not ascend to the altar on steps, so as not to uncover their nakedness. Rashi explains, that even though the kohain doing the service will be wearing

linen pants ('michnesei vad), still, using steps would require taking long strides, which is close to uncovering of nakedness. Rashi then cites the Mechiltas saying that if one must exercise such care in regard to the altar, which is made of stone and has no feelings, how much more does he need to exhibit respect for his fellow human being. I believe that this stress on the dignity of man, in the context of our service of God on the altar, is the key to understanding the transition from the end of parshas Yisro to the laws in parshas Mishpotim.

Rabbi Avigdor Nebenzahl, in a sicha to parshas Mishpotim, writes that the civil laws recorded in this parsha are rooted in recognition of man being made in God's image, and the consequent need to take extraordinary measures to preserve his dignity and maintain his rights. Following this approach, we can suggest, that after the experience of Mt. Sinai, God instructed the people as to how they should serve him in the mishkan, and, then, instructed them as to how to serve him in everyday life. Observing the laws of parshas Mishpotim is, in fact, a way of acknowledging God's presence in this world by preserving the dignity of the people whom He created in His image. Thus, not only by serving God in the mishkan are the people being presented with an opportunity to express their love of God, but also, in their everyday encounters with their fellow man, they are given the opportunity to recognize the image of God within each person, and thereby express their love for Him in a concrete way. Viewed in this way, the civil laws presented in parshas Mishpotim can be seen as a commentary to the first statement in the Decalogue in parshas Yisro, "I am the Lord your God Who brought you out of the land of Egypt, out of the house of bondage (Shemos 20:2)".

Just Be There

Rabbi Assaf Bednarsh (Transcribed and adapted by a talmid from the YUTorah shiur originally entitled, Parsha Bytes - Mishpatim 5779, and presented at Gruss Kollel in Yerushalayim on January 31, 2019)

In the last paragraph of Parshas Mishpatim, Hashem tells Moshe: *Alei eilai ha-harah ve-heyei sham ve-etnah lecha es luchos ha-even ve-ha-Torah ve-ha-mitzvah asher kasavti le-horosam*. Come to Me on Har Sinai and be there, and I will give you the Luchos and all the various parts of the Torah. So Moshe went up for 40 days and 40 nights, and Hashem handed him the entirety of the Torah.

Some meforshim were bothered by these seemingly redundant lashonos in the pasuk. Hashem said: *Alei eilai ha-harah*—come up to Me on the mountain. *Ve-heyei*

sham—and be there. Obviously, once Moshe gets to the top of the mountain, he is there. So, what does it mean *ve-heyei sham*?

Rashi takes a very pashut approach and says: *Ve-heyei sham*—and stay there for 40 days. Don't just go up the mountain and come down right away. Stay there for a while.

But some of the darshanim understand it at a different level. Both Alshich and Malbim—hundreds of years apart—darshen the words *ve-heyei sham*—have *havaya* there—become something there;

be created there. But how is Moshe supposed to be created there? He was already a fully grown, intelligent, accomplished individual. So the answer is: Learn Torah. Moshe Rabbeinu was very, very holy. He had all the madreigos in the world but did not have the Torah. It was not his fault. Hashem had not given it yet. So Hashem says to Moshe: Come up to the mountain. Now, you are one thing. And when you get the Torah, you will become someone different. The darshanim say: Why do you call someone who learns Torah a *ben-Torah*? A *ben-Torah* is someone who is a son of the Torah. What is a son? It's someone created by the one who gave him birth. So a stam Yid who can just sit and learn Torah a little is not yet a *ben-Torah*. A real *ben-Torah* is someone created by the Torah—who soaks up the Torah and has a transformative experience. It's not just someone who happens to learn a few things—that's just Jewish studies. You go to Harvard, Yale, Princeton, etc., and you learn Jewish Studies there. And you stay the same person you always were. Except now, you have some more intellectual knowledge, and instead of studying Chinese literature, you learn Jewish studies. So what's the difference between learning Jewish Studies and learning Torah? So Alshich and Malbim say: *Ve-heyey sham*. Torah is not just something you learn. It transforms you. It makes you a new person. And not just a person with some useful knowledge—as crucial as that is—who knows how to pasken halacha, to keep Shabbos properly, what brachah to make on granola bars, and how to do the right thing, etc. The real depth of Talmud Torah is *ve-heyey sham*—to become a different person by learning Torah. Everyone knows that a *ben-Torah* internalizes Torah values—he is formed and transformed by the Torah. And even when he is not paskening halachah, he looks at the world differently—because his hashkafa is different. And hashkafah does not mean philosophy. It's a way of looking at the world—from the word *le-hashkif*. And that's what Hashem is telling Moshe here, *b'derech ha-remez*. Real Talmud Torah means that you must become a holier,

Moral Refinement

Rabbi Dr. Mordechai Schiffman

Immediately after God's revelation of the Torah to the Israelites on Mount Sinai, the text transitions seamlessly to detail civil, criminal, and ritual laws. According to Rashi, the opening letter “*vov*,” meaning “and,” of Parshat Mishpatim connects the current content to the previous narrative in Parshat Yitro. There is an

deeper, nobler person—through the Torah you learn.

I want to add another point—not found in any of the meforshim. Perhaps the idea of going up the mountain and being there is timelier nowadays than ever. I think there is a *remez* here, particularly for our *dor*. It's not my *chidush* that our *dor* suffers from the problem of being distracted. Think of any previous generation. Was there such a thing that you can be someplace with someone, and it's questionable whether you are present there? Therefore, Hashem tells us: *Alei eilai ha-harah*—come up to Me in the mountain. But do not just get distracted and think about other things. Come to Me and be all there. It's so easy to come into the Beis Hamedrash and not be there. You could spend all day there and all that time be on your phone, etc. There are so many distractions. *Alei eilai ha-harah* is so easy. We can go to all the right, and even the holiest of places—and we are just not present. Hashem told Moshe: Do not just come to the right place. Once you are coming already, *ve-heyey sham*—be there, focus, free yourself from distractions, and turn off your ringer. Even better, turn off your phone, etc., and be present. We go to so many *harim*—the places of spiritual heights. But are we present?

And I mean Bein Adam le-Chaveiro as well. We spend time with our family, kids, spouse, parents, etc. But are we actually there? And unfortunately, the *machla* of our *dor* is going someplace and not being there. The issue of distraction in individual, social, and spiritual life always existed throughout the generations. Once upon a time, you could be distracted by something you were thinking about from a couple of hours ago or something tomorrow. But nowadays, the distractions are so much greater because the entire globe and everything in the entire universe are by our sides, in our phones, waiting for our attention, beeping and pinging, etc. And, perhaps, Hashem specifically had us in mind when he wrote in His Torah *alei eilai ha-harah, ve-heyey sham*. And if we do that, we can accomplish what Hashem wants us to accomplish—both Bein Adam le-Makom and Bein Adam le-Chaveiro. Shabbat Shalom.

integral and thematic link between the exalted Ten Commandments and the more mundane details delineated immediately after.

At the conclusion of Parshat Mishpatim, the narrative returns to transcendent experiences. Moses, Aaron, Nadab, Abihu and the seventy elders ascended the mountain and

witnessed a vision of God (Ex. 24:9). Even the Israelites experienced the Presence of God as “a consuming fire on the top of the mountain” (Ex. 24:17).

Sandwiched between these two revelatory experiences, are not accounts of the grandeur of the sanctuary or the intimate elements of sacrificial rituals, but minutia regarding how to judge legal disputes. Embedded in this juxtaposition is a profound statement. In the words of Rabbi Adin Steinsaltz in his Talks on the Parasha, “In the world order established by the Torah, the momentous experience of the giving of the Torah is followed by something that is no less important: Parshat Mishpatim. To put them on equal footing may seem radical, but the Torah does exactly this – overtly and deliberately.”

In delineating the differences between the Torah and the Code of Hammurabi, Rabbi Amnon Bazak writes in *To This Very Day: Fundamental Questions in Bible Study* that “only in the Torah is there such a phenomenon as Parshat Mishpatim, where social laws – similar to those in the Laws of Hammurabi, concerning thieves and robbers, monetary damages, pledges, and hiring – appear alongside laws such as the Sabbath, the three pilgrimage festivals, and the laws of sacrifices.” The division between social and religious legislation is nonexistent. They both form a part of the “harmonious framework of performing God’s Will in the world.” Without contrasting to Hammurabi, Rabbi Joseph B. Soloveitchik reaches a similar conclusion: “Civil laws carry religious significance. Destruction of property and

trespassing are not merely violations of civil law but moral transgressions” (Chumash Mesoras HaRav).

Yet, the argument goes even further. The juxtaposition does not just teach that tort laws are religiously significant, or that causing interpersonal damage is a moral transgression. The Talmud relates in the name of Rabbi Judah that one who wants to become pious should study the laws of damages, which are rooted in Parshat Mishpatim (Bava Kama 30a). The late Slonimer Rebbe, Sholom Noach Berezovsky, explains in his Hasidic commentary on the Torah, *Netivot Shalom*, that Rabbi Judah does not just intimate that learning the laws of damages alone will lead to piety. He is also not praising someone for merely taking responsibility after causing damages. Rather, he means that a person becomes pious by adopting the ethos and values of Parshat Mishpatim. These laws inculcate an active aversion to causing anyone physical pain or emotional suffering which requires an internalization of virtue and a refinement of character.

In *The Person in the Parasha* Rabbi Dr. Tzvi Hersh Weinreb argues that this is the reason that these laws are taught in many yeshivot to students when they are very young so that they learn to be responsible for their actions. Their choices have repercussions for other people’s physical, emotional, and financial well-being.

Civil laws are anything but ordinary. An integral part of Divine Revelation includes instructions on how to develop into more sensitive spiritual, ethical, and moral individuals.

Ramban on Our Parshah: Beware the Stranger

Rabbi Mordechai Torczyner

The Torah warns us repeatedly to help strangers, and to avoid harming them. Five separate imperatives, two of which appear in our parshah, are almost cut-and-paste:

- “Do not abuse or oppress the stranger; you were strangers in the land of Egypt.” (Shemot 22:20)
- “And do not oppress the stranger; you know the soul of the stranger, for you were strangers in the land of Egypt.” (Shemot 23:9)
- “And when a stranger sojourns in your land, don’t abuse him. The stranger who sojourns among you shall be like a citizen of yours, and you shall love him as yourself, for you were strangers in the land of Egypt.” (Vayikra 19:33-34)
- “And you shall love the stranger, for you were strangers in the land of Egypt.” (Devarim 10:19)

- “Do not bias the judgment of a stranger or orphan, and do not take a widow’s garment as collateral. Remember that you were a slave in the land of Egypt, and Hashem your G-d redeemed you from there. Therefore I command you to do this.” (Devarim 24:17-18)

Why does the Torah repeatedly link kindness to strangers with our history in Egypt? As Ramban (commentary to Shemot 22:20) asks, does our experience as strangers in Egypt mean that all strangers are good people, worthy of our assistance?

On a simple level, the callback to our past vulnerability is meant to promote empathy. Alternatively, Rashi suggests that this is a reminder of our current vulnerability: If you abuse others for their low social standing, they will remind you that you once inhabited that same rung of society. But Ramban is not satisfied with either explanation.

According to Ramban, these passages convey a warning not about what the stranger will do, but about what Hashem will do. Remember that Hashem saw your tears in Egypt and struck down your tormentors, and recognize that these people, whose souls are like your own, will cry out as you did, and Hashem will respond.

Matan Torah, A Complete Package

Mrs. Michal Horowitz

In this week's parsha, Mishpatim, the narrative of Matan Torah continues. Whereas Parshas Yisro delineates the astonishing, awe-inspiring and impactful method by which the Torah was given - thunder, lightning, the continuous blast of the shofar growing ever stronger, the mountain itself was shaking, the people in the camp were shaking, the mountain was smoking, the thick Cloud of G-d's Presence was visible (keviyachol) atop the mountain, the voice of G-d going forth to announce the dibros to the nation, the entire nation healed of vision and hearing ailments (Shemos 19), the mount of Sinai burning with fire till the heart of heaven (Devarim 4:11) - the parsha of Mishpatim (Shemos 21, 22, 23) seems to be the exact opposite of the Matan Torah experience.

Parshas Mishpatim details mitzvah after mitzvah, and law after law, most of which govern social order and society founded upon, and based on, Torah ideals. The parsha opens with the following words: וְאֵלֶּה הַמִּשְׁפָּטִים, אֲשֶׁר תָּשִׂים לְפָנֶיךָ, *and these are the laws that you shall place before them*. Rashi comments: That you shall place before them: כְּשֶׁלֶּחֶן הָעֲרוּף וּמוֹכָן לְאָכֹל לְפָנֵי הָאָדָם - *like a table fully laid out and prepared before a person with everything ready for eating* (Shemos 21:1 w/ Rashi). Not only must Moshe teach the nation these laws, they must be arranged clearly before them, in a way that the people understand, and can integrate and apply them to every day life - just like a set table with everything ready for eating.

R' Samson Rafael Hirsch teaches, "Our whole relationship to G-d is to be understood as one that provides a firm and unshakeable basis for upbuilding society in the spirit of justice and humanity and for strengthening each and every individual in the spirit of pure morality. To this principle, the vav ha'chibur (connecting vav with which the parsha begins - וְאֵלֶּה, *and these are the laws that you shall set before them*) connects the מִשְׁפָּטִים, the laws that are to establish the upbuilding of Jewish society on the basis of justice and humanity. Thereby the *cherev* (topic of the preceding

Parshat Mishpatim follows up our exodus from Egypt and the presentation of the Torah at Sinai with an imperative to take care of the vulnerable, and a pledge that Hashem is watching. Hashem promises that just as He saved us in Egypt, when we were not worthy, so He will act for anyone who is tormented, including the strangers in our midst.

chapter and verses), the sword - i.e.: violence and harshness - will be banished from the society of the Jewish state, and only then will this society be worthy of erecting an altar to G-d in its midst. Hence the מִשְׁפָּטִים precede the building of the Mishkan (which begins in next week's parsha).

"However, the pasuk says: אֲשֶׁר תָּשִׂים לְפָנֶיךָ, *and these are the laws that you shall place before them* (21:1). The expression תָּשִׂים לְפָנֶיךָ - which here refers to the transmission of G-d's laws to Israel through Moshe - is used elsewhere in only one specific sense, namely: serving prepared food to a guest... When applied to the transmission of laws, this expression denotes a transmission so clear and comprehensive that the laws are set before us in full clarity and can be understood and carried out completely. Accordingly, Rashi's explanation, 'like a table set before a person, with everything ready for a meal,' reflects the literal, actual sense of the expression and command" (RSRH, commentary to Shemos 21:1).

Our code of law - Torah from the word הוֹרָאָה, *instruction*, and *morah*, *teacher* - is the blueprint and guide, the moral compass and voice of G-d - that teaches us to how build a society that is elevated, holy, fair and just. This society will have no place for violence and harshness and will champion justice for all. It is this Torah based and Torah built society that G-d's presence can, and will, dwell. Hence, וַעֲשׂוּ לִי, מִקְדָּשׁ; וְשָׁכַנְתִּי, בְּתוֹכְכֶם, *and they shall make for Me a sanctuary, and I shall dwell amongst them* (Shemos 25:8), can only follow the parshios of Matan Torah - Yisro and Mishpatim combined - which instruct us how to create a society where G-d desires to dwell (*keviyachol*).

Mishpatim opens with the laws surrounding an *eved Ivri* - a Hebrew indentured servant. One who stole and cannot afford to pay back may be sold by the *beis din* (Jewish courts) as a slave, or one who is so poor that he cannot provide for himself, may sell himself into slavery. How well must the *eved Ivri* be treated? Chazal teach (*Kedushin* 20a):

דְּתַנְיָא: "כִּי טוֹב לוֹ עַמּוּד" - עַמּוּד בַּמֶּאֱכָל וְעַמּוּד בַּמִּשְׁתֶּה.
It was taught in a Baraisa: 'Because it is good for him with

you (Deuteronomy 15:16); with you in food and with you in drink (the eved Ivri shall be treated as equal to his master in regard to food and drink);

שְׁלֹא תִהְיֶה אֲתָה אוֹכֵל פֶּת נְקִיָּה וְהוּא אוֹכֵל פֶּת קִיבֵר, אֲתָה שׁוֹתֶה יַיִן יִשְׁן וְהוּא שׁוֹתֶה יַיִן חֲדָשׁ, אֲתָה יִשְׁן עַל גְּבֵי מוֹכִים וְהוּא יִשְׁן עַל גְּבֵי הַתְּבֹן. מִכָּאן אָמְרוּ: כָּל הַקּוֹנֶה עֶבֶד עֲבָרֵי כְּקוֹנֶה אֲדוֹן לְעֵצְמוֹ.

This means that there shall not be a situation in which you eat fine bread and he eats inferior bread. There shall not be a situation in which you drink aged wine and he drinks (inferior) new wine. There shall not be a situation in which you sleep comfortably on bedding made from soft sheets and he sleeps on straw. From here the Sages stated: Anyone who acquires a Hebrew slave is considered like one who acquires a master for himself! [because he must be careful that the slave's living conditions and upkeep are equal to his own.]

הֵרֵב דְּרָכֶיהָ דְּרָכֵי-נְעִים וְכָל-נְתִיבוֹתֶיהָ שְׁלֹום - her ways are ways of pleasantness and all her paths are paths of peace (Mishlei 3:17);

our Torah is compassionate and kind. Even in the treatment of the downtrodden, someone so poor he cannot support himself, nay, especially in the treatment of the downtrodden, the halachos are designed so that the weakest segment of society will not be taken advantage of. Hence, in Mishpatim we are commanded not to oppress the convert, the widow or the orphan. We are commanded not to curse or hit our parents. We are commanded not to keep the collateral items of clothing of another with us overnight. We are forbidden from charging interest on a loan. We must ensure our workers and animals rest on the Sabbath day, as we do.

It is only after the societal laws are laid out before us, that the nation can truly and wholeheartedly declare: כָּל אֲשֶׁר-דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע - all that G-d has spoken, we will do and we will listen (Shemos 24:7). To be a Jew is to be wholesome with G-d and honest, compassionate, kind and loving in our treatment of fellow man.

Rav Soloveitchik on Mishpatim: Torah of the Heart

Rabbi Aaron Goldscheider (Excerpted from *Torah United, Teachings on The Weekly Parashah From Rav Avraham Yitzchak Hakohen Kook, Rabbi Joseph B. Soloveitchik, and The Chassidic Masters* (Ktav, 2023))

The Jewish people's proclamation at Sinai, *na'aseh ve-nishma*, "we shall do and we shall listen," was a crowning moment in our history. Quite literally—the Talmud depicts heavenly crowns wreathing the head of every Jew:

Rabbi Simai expounded: When Israel preceded nishma ("we shall listen") with na'aseh ("we shall do"), 600,000 ministering angels came and tied two crowns upon each Israelite, one corresponding to na'aseh and one corresponding to nishma.¹

Rabbi Yosef Dov ha-Levi Soloveitchik remarked that the Jewish people received crowns specifically because they put *na'aseh* first. Based on the Zohar, *na'aseh* refers to mitzvah performance and *nishma* refers to Torah study. Torah study has two distinct aspects to it: study in order to perform the mitzvot, which is a means to an end, and study as an end in and of itself. By putting *na'aseh* before *nishma*, the practice before the learning, the Jewish people were accepting upon themselves Torah study for its own sake. Thus, one crown was for observance through study, and the other was for Torah study per se, or Torah *lishmah*.²

Rabbi Soloveitchik's illustrious forebear, Rabbi Chaim of Volozhin, famously had argued in his theological tome *Nefesh ha-Chayim* that Torah learning is the *summum bonum*.³ Torah *lishmah*, the lifelong pursuit of Torah study as the most noble and ennobling Jewish practice, remains the hallmark of Brisk to this day. How did Rabbi Joseph

B. Soloveitchik, heir to this legacy, consummate Torah scholar, and educator extraordinaire, conceptualize the Jew's devotion to Torah study?

Life's Purpose

God wills man to be creator – his first job is to create himself as a complete being. [...] He is created in the image of God, but the image is a challenge to be met, not a gratuitous gift. It is up to man to objectify himself, to impress form upon a latent personality... The highest norm in our moral code is: to be, in a total sense... and to move toward... real, true being...⁴

Man's primary pursuit in life, said the Rav, is to realize his true purpose. How does one achieve this clarity and live a life of meaning and achievement? The Rav asserted that Torah study is the key: "By learning Torah man returns to his own self; man finds himself, and advances toward a charted, illuminated and speaking I-existence."⁵

The Talmud tells us that the child in utero is taught the entire Torah. Upon birth, an angel slaps them and causes them to forget everything they have learned.⁶ The Rav explained that this conveys the idea that "when a Jew studies Torah he is confronted by something which is not foreign and extraneous, but rather intimate and already familiar."⁷ A Jew engaged in Torah study discovers his or her essence, thereby bringing to the fore their aspirations and goals.

In sum, Torah study is indispensable because it teaches

us the most basic thing: how to be, how to live in this world. It is the means by which we can uncover (or perhaps recover) our values and priorities. The Torah molds us into who we are meant to be.

Human Creativity

The Rav coined the term “halakhic man,” a personality “who longs to create, to bring into being something new, something original.” For this individual, “the study of Torah, by definition, means gleaning new, creative insights from the Torah (chidushei Torah).”⁸ This is not only the Rav’s written legacy, but his oral one as well. The following was shared by Rabbi Azarya Berzon, one of the Rav’s eminent students:

The Rav could not tolerate anything that was old or stale, even if he himself had said it. When a brilliant student once commented while the Rav was trying to work out peshat, “Rebbe, this is what you said when we learned the sugya five years ago...,” the Rav didn’t allow the talmid (student) to conclude his sentence. Instead, he slammed his hand on the desk and exclaimed, “Forget about what I said five years ago! Pay attention to what I am saying now!”

*The Rav always taught us that just as God is unique as the Creator, man too must be unique. He must be original. In his writings and essays the Rav went to great lengths to emphasize the centrality and significance of being original, especially in Torah learning.*⁹

Human creativity is a manifestation of imitatio Dei, emulation of the Creator. Discovering a chidush, a novel idea or insight in Torah, is ultimately a realization of the divine image in which man was made.¹⁰

As it turns out, the Rav imbibed this with his mother’s milk. When he was a child, the Rav would sit up in bed at night listening to his father, Rabbi Moshe Soloveichik, teach the halachic code of the Rambam, together with the challenges raised by the glosses of the Ravad. Whenever little Yosef Dov would hear his father finally and joyfully resolve the difficulties, he would jump out of bed with glee and run to share the good news with his mother: “Mother, Mother, the Rambam is right. He defeated the Ravad. Father came to his aid. How wonderful Father is!”¹¹ Other times, Rabbi Moshe despaired of satisfactorily justifying the Rambam’s position, and his young son would tearfully and slowly make his way to his mother. According to the Rav, the exchange went as follows:

“Mother, Father can’t resolve the Rambam – what should we do?”

“Don’t be sad,” Mother would answer, “Father will find a solution for the Rambam. And if he doesn’t find one, then

*maybe when you grow up you’ll resolve his words. The main thing is to learn Torah with joy and excitement.”*¹²

To find a solution to a difficult ruling of the Rambam is to defend our time-honored tradition, which is a fundamentally conservative gesture. Nevertheless, the Rav’s mother consoled her son with the promise of his own ingenuity. Individual creativity need not be in tension with fealty to our tradition, and in fact proves a boon to it.

Torah of the Heart

In *Halakhic Man*, the Rav set out to articulate the essence of a Jewish life defined by Halachah. In so doing, the Rav addressed the unique obligation of Torah study and quotes the foundational Chassidic text Tanya by Rebbe Shneur Zalman of Liady, the Alter Rebbe:

*When a person knows and comprehends with his intellect this ruling in accordance with the Halachah set forth in the Mishnah, Talmud, or halachic codes, he comprehends, grasps, and encompasses with his intellect the will and wisdom of the Holy One, whom no mind can grasp, neither His will nor His wisdom.*¹³

Torah study surely produces greater breadth and depth in Torah, but it is much more than that. It opens a window, however tiny, on the otherwise unfathomable mind of God.¹⁴

The Rambam writes in the Mishneh Torah that Torah study is ideally suited for night:

*Even though it is a mitzvah to study Torah during the day and at night, it is only at night that a person acquires most of his wisdom. Therefore, whoever wishes to merit the crown of Torah should be careful with all his nights, not losing even one to sleep, dining, conversation, or the like. Rather, [they should be devoted solely to] Torah study and words of wisdom. Our Sages declared, “There is no song of Torah except at night, as it says, ‘rise and sing at night...’ (Lamentations 2:19).”*¹⁵

The Rav wondered why the Rambam gives precedence to the night, when none other than God said to Yehoshua, “you shall contemplate it day and night” (Joshua 1:8). He urged us to pay careful attention to the placement of this law. It appears at the very end of the third chapter of the laws of Torah study, after the Rambam has finished setting out the technical requirement of Torah study. Here he is describing the song of Torah, meaning, Torah study as avodah she-ba-lev, service of the heart, a yearning for and attachment to the Torah and God. Night affords us the perfect conditions for this encounter with the Torah and, by extension, God. According to the Rav, this is what David ha-Melech had in mind when he wrote the verse: “A song of ascents. Now bless God, all you servants of God,

who stand in God's house at night" (Psalms 134:1).

On April 1, 1973, the Rav made impromptu remarks at a siyum, a celebration of the completion of a tractate, in which he expressed how deep is the Jew's love for the study of Torah. Every morning, Jews recite a blessing over Torah study: "Blessed are You... who has commanded us to be preoccupied with (*la'asok*) words of Torah." Tosafot asks why it suffices to say this in the morning, why do we not need to recite it each time we study Torah, as is the case with other mitzvot? The verse cited above provides the answer: the fact that one is supposed to contemplate it day and night meant that Torah study has no real breaks.¹⁶ With his characteristic brilliance, the Rav distinguished between "acute" awareness and "latent" awareness. When a mother plays with her child, she experiences acute awareness; when she is distracted, she still has a natural, latent awareness of her child. In a mother's relationship with her child, there is no such thing as "out of sight, out of mind." The same is true of the Torah. That explains why when we complete a tractate of the Talmud we make a commitment: *hadran alach*, "we shall return to you." The Torah is ever present in our hearts and minds.¹⁷

On another occasion, delivering one of his famous *yahrzeit* lectures for his father in Yiddish, the Rav revisited the Jew's unique relationship with the Torah. The Talmud tells us that a pupil who reviews his lesson 100 times cannot compare to one who reviews it 101 times.¹⁸ Again, the Rav quoted the Alter Rebbe's Tanya, which says that 100 was *de rigueur* in an oral culture to ensure the formulation was remembered perfectly. Evidently, the Sages recognized that after a certain point—100 times—anything further yielded diminishing returns. So why would any student keep going, and why does the Talmud say that such a student has no equal? Clearly, the one extra time contains no special qualitative magic that sears the lesson into one's memory, so what is this teaching getting at?

The Rav is renowned for his towering intellect, but his heart was just as important. The Rav recalled the indelible impression it made on him as a child when his eyes beheld his grandfather, Rabbi Chaim Brisker, and his father fervently singing the words of the Talmud late into the night. Experiences such as these explained the statement made by the Talmud better than any formulated by logos or logic.

The Torah became like a magnet. Even if they knew the passages totally by heart, they still could not depart from the text. They could not leave the Gemara. It was as if they were tied to the Gemara.

This was exactly the same sensation that was experienced by

*the student who refused to depart even after he had repeated his chapter one hundred times. [...] They felt that studying the Torah was a rendezvous with the Shechinah, the Divine Presence. Therefore, they constantly sought to prolong the experience. They just could not bring themselves to close the text.*¹⁹

Exploring the Rav's Insight

It is fitting to relate an episode from the life of the eldest grandson of the Rav, Rabbi Mosheh Twersky, may his blood be avenged, who was murdered by a terrorist on the 25th of Cheshvan 5775, as he prayed the Amidah in shul. A scion of Brisk, he embodied Torah lishmah to the very end. His son, Rabbi Avrohom, recounted the following interaction that took place when he returned from the study hall at 1:40 a.m. on the Friday night before his father was taken from this world:

Although it was late when I came home, I obviously assumed that my father would still be in the dining room, and of course he was there learning. I got myself something to eat from the kitchen. Then, around 2:00 a.m., when I was finished, I started making my way out of the kitchen. As the dining room table came into view, I noticed that my father had apparently fallen asleep over his Gemara. I knew well how hard he always pushed himself to the maximum, and I therefore made sure to walk as quietly as possible so as not to awaken him.

It didn't work.

My father lifted his head. "Please wake me up!" he implored. "Do you think you are doing me a chesed (kindness)? Its not a chesed! The time on Shabbos is way too precious to use for sleep!"²⁰

His biographer writes: "This was more than an intellectual imperative: Rav Twersky felt that learning on Shabbos was qualitatively different from learning during the week – and it exerted a magnetic pull on him." There is little time for sleep in a life truly lived for Torah lishmah.

1. Shabbat 88a.
2. Beit ha-Levi, Mishpatim, s.v. ויקח ספר הברית.
3. Nefesh ha-Chayim, pt. 4.
4. Soloveitchik, "Redemption, Prayer, Talmud Torah," 64.
5. Ibid., 69.
6. See Niddah 30b.
7. Soloveitchik, "Redemption, Prayer, Talmud Torah," 69.
8. Halakhic Man, 99.
9. Eleff, Mentor of Generations, 230.
10. See further Wurzbarger, "Centrality of Creativity."
11. Soloveitchik, And From There You Shall Seek, 144.
12. Ibid., 145.
13. Tanya, ch. 5.
14. Soloveitchik, Halakhic Man, 26.

15. Mishneh Torah, Hilchot Talmud Torah, 3:13.
16. Tosafot to Berachot 11b, s.v. שכבר נפטר באהבה רבה.
17. Soloveitchik, Shiurei HaRav, 102–104, and see Koren Mesorat HaRav Siddur, 8.

18. Chagigah 9b.
19. Rakeffet-Rothkoff, The Rav, 2:210, and see 2:208–211.
20. Berman, Malach in Our Midst, 57.
21. Ibid. (emphasis mine).

The Conundrum of Charity: Who Benefits More?

Rabbi Ephraim Z. Buchwald

This week’s parasha, parashat Mishpatim, contains a plethora of fascinating mitzvot. Among the 53 mitzvot (23 positive, 30 negative), found in this week’s parasha, is the mitzvah of caring for the poor and those in need by providing interest-free loans and performing acts of gemilut chasadim (lovingkindness).

The Torah, in Exodus 22:24, states: *אַם כָּסֶף תִּלְוֶה אֶת עַמִּי, לֹא תִהְיֶה לוֹ כְּנֹשֶׁה*. *When you lend money to My people, to the poor person who is with you, do not act toward him as a creditor.* Rashi cites Rabbi Yishmael who says that every time the word *אם*—“*im*” appears in the Torah its meaning is “if” (implying optional). However, the word “*im*” found in this verse is one of three instances where the meaning is “when” (implying obligatory), indicating that we have no choice when it comes to caring for the poor.

Many years ago, I had occasion to attend the wedding of a young man who had studied with me, who had grown up in the “Mir” community of Brooklyn. The Yeshiva of Mir, named after a city in Belorussia, was one of the premiere European Torah centers. What was unusual about the Mirrer Yeshiva was that many of its students survived the Holocaust because they received visas to relocate to Shanghai, in Japanese-occupied China, where they stayed during the war years. Today, there are two major yeshivot of Mir, one in Brooklyn, the other in Jerusalem.

As is customary in the Yeshivish and Chassidic world, the wedding took place on a Tuesday, the day that is doubly blessed in the Torah (Genesis 1:9-12). Since I had to teach my “Introduction to Bible” class that night, I arrived in Boro Park just as the chuppah was letting out.

Although the father of the groom was a successful caterer, he chose to have a rather modest wedding that was held at the Gruss Educational Center in Boro Park. At that time, it was a relatively new building with a spacious dining hall.

It was the middle of winter, and upon arriving I looked for a place to hang my coat. Scores of people were passing through the lobby, moving out from the gymnasium where the chuppah had been held. Seconds after I finally found a hanger, a man came up to me and thrust his hand in my face, shaking it vigorously. Recognizing that he was seeking

a donation, I took out some change and put it in his hand. Before he had a chance to pull away his hand, a second collector thrust his hand in my face. I looked around and saw that the lobby was teeming with collectors. I then noticed something unusual—I was the only one who was giving coins, all others were giving bills.

That behavior duly noted, I went downstairs to the ballroom. As I entered the ballroom I noticed two beautifully appointed tables—one on the men’s side, the other on the women’s side, that had been designated for the poor people. They were not a handsome group. Many wore ragged clothes and came with their shopping bags and unique odors. Some had even “parked” their shopping carts nearby. Apparently, the hosts felt that they could not celebrate fully without including the poor people in their joy.

I tried to make myself comfortable in this unusual setting. Not knowing even one of the men who were seated at my table, did not help matters. After the first course, one young man at my table stood up and announced that he had taken upon himself to support a poor family in Jerusalem and that he “expected” (he did not say “hope”) that everyone would give. Realizing that I was in very “unusual” company, I reached into my wallet, pulled out a \$5 bill, waved it in front of everyone so they could see how generous I was, and gave the young man the \$5 bill. No one at the table gave less than \$20, except for me!

After the next course, a group of young students entered the room, dressed in pink rabbit uniforms and proceeded to dance a rikud to the music. Circling the room and stopping at each table, they gave out little cards indicating that they were students of the Mir Yeshiva, and that during the month of Adar, which precedes Nissan, they go from simcha to simcha to collect for the poor who have no wine or matzah for Passover. Again, there was a spontaneous outpouring of charity—the likes of which I had never seen.

There’s only one thing worse than being on a Mafia hit list. The contract killers shoot their victims or throw them into the river wearing cement boots, and death is rapid or instantaneous. Being on the charity “hit list” however, is slow torture. Once the collectors get your name, they are

relentless!

I live on the Upper West Side of Manhattan in a doorman apartment building. The collectors drive up in groups. They invariably arrive at the most inconvenient time and, in some instances, arrogantly demand help and support. Some of them are dishonest (although now there are organizations that provide certificates presumably certifying the truthfulness of their requests). On one occasion, I gave a presumed “poor person” an \$18 check that he altered and cashed for \$78. Sometimes, a collector will pull out a photocopy of our last check and demand that we give at least as much as last year, if not more! The entire process can be very unpleasant.

But after my experience at the wedding in the Mir community, my attitude changed dramatically. From that time, I would always try to welcome the poor people warmly into our home. (One of the reasons that we have Chalav Yisrael (special kosher milk) in our home, is so that the collectors can drink a cup of coffee with milk). I ask them to sit, and inquire about the reason they are collecting, and make a special effort to treat them with dignity.

My wife and I very much wanted our children to be

involved in the process, so we asked our children to join us whenever the poor people would arrive. We have a specially designated envelope with cash for our children to give to the poor when we are not available. During the several times a year that we write out large numbers of checks to different causes, we asked our children to help us decide to which charities we will give and what amounts, and to help us address and stamp the envelopes. There is also a homeless person who used to come to our home for over thirty years every Wednesday night for food, bathing and relaxation. It wasn't easy to provide this hospitality, but it made a big difference, and has had a major impact on me and our family, and of course, hopefully on the needy person as well.

The Kli Yakar says that the reason the verse in Exodus 22:24 states: אֶת הָעֲנִי עִמָּךְ [when you lend money to], the poor person who is with you, is that the person you help is essentially your partner. You help him/her by providing for his/her needs, and he/she helps you by providing you with the opportunity to help him/her.

Of course, we must always keep in mind that but for the grace of G-d, that poor person could have been us..

When Life Is Unfair

Rabbi Efreim Goldberg

The opening pasuk of Parshas Mishpatim introduces the series of civil laws outlined in this parsha by stating, ואלה המשפטים אשר תשים לפניהם, – “*These are the statutes which you shall present before them.*”

The Zohar makes an enigmatic remark about this pasuk, interpreting it to mean, אלין אינון סדורין דגלגולא, – literally, “*These are the arrangements of the reincarnation.*” Curiously, the Zohar associates this parsha with the concept of גלגול נשמות, the notion that a person's soul might be reincarnated after his passing, and return to the world in a different person so he can correct mistakes made in the previous incarnation. What connection can there possibly be between the laws in Parshas Mishpatim, which deal with various civil disputes, and the notion of גלגול נשמות?

The Rachmastrivka Rebbe, in *Amaros Tehoros*, cites the *Degel Machaneh Efrayim* (grandson of the Ba'al Shem Tov) as offering a fascinating answer. He explains that usually, when a case comes before Beis Din, both parties are convinced they are correct. And even after the Beis Din announces its verdict, the losing party is not likely to concede that he was wrong. More often than not, the losing party feels resentful and bitter about the decision.

This is true even when a compromise is reached – the parties feel at least a tinge of resentment for having not received what they feel they rightfully deserve. The Zohar thus introduces the concept of גלגול in the context of the mishpatim, the Torah's code of civil law, to instruct litigants how to react if the court's decision doesn't go their way. If the losing party is certain that he is correct, and that the Beis Din's ruling was unjust and he was shortchanged, he should consider the possibility that in a previous גלגול, he was obligated to pay this sum of money and failed to do so. It might very well be true that he did not deserve to lose this case – but he perhaps owed this money in an earlier incarnation, and Hashem arranged that he would now be required to pay it in order to fulfill that obligation. Therefore, he has no reason to feel angry or resentful, because he is paying precisely what he needs to pay.

This explanation might sound to us esoteric, but it conveys a very powerful lesson relevant to all of us. People often feel shortchanged, that they have been treated unjustly. And, many times, they are correct. Sometimes life isn't fair, and we don't get what we deserve. When this happens, when we are certain we deserved to win

but we lost, we need to reinforce our emuna, place our faith in Hashem, and surrender to His will. We must wholeheartedly accept His decision, recognizing that everything He does is just, even when it seems unjust. We are not always going to understand why we lose, but we need to have faith that Hashem always does what is right for us.

From Seven Mitzvos to Taryag

Rabbi Immanuel Bernstein

מִכָּה אִישׁ וְיָמָת מוֹת יוֹמָת... וְכִי יִזְדּ אִישׁ עַל רֵעֵהוּ לְהַרְגוֹ בְּעָרְמָה.
One who strikes a man who then dies, shall surely be put to death... If a man shall act intentionally against his fellow to kill him (21:12, 14)

Commenting on the mention of the word אִישׁ, “man” in the second pasuk, the Mechilta (Mishpatim, parsha 4) states that from the non-specific phraseology of the first pasuk – “*One who strikes*” – one might have thought that even if the killer is a minor (i.e. under bar mitzvah) he is liable to be punished with death for his act. Therefore, the second pasuk emphasizes “a man,” in order to exclude a minor from punishment.

This situation is quite perplexing: children under the age of bar mitzvah are exempt from all mitzvos of the Torah, as well as from its punishments. If this is always the case, then why did the Torah deem it necessary to reiterate this exemption specifically within the context of punishment for murder?

When Does a Ben Noach Become “Bar Mitzvah”?

For his answer to this question, the Meshech Chochmah refers us to his commentary Ohr Sameach on the Rambam, (Hilchos Issurei Biah 2:3) where he prefaces with two points:

- Bar (or bas) mitzvah as the minimum age for obligation and liability in mitzvos belongs to the category of “*shiurim*” (halachic quantities) which the Gemara (e.g. Succah 5b) says are “*Halachah le’Moshe mi’Sinai*” (an oral tradition from Hashem to Moshe at Har Sinai).
- The concept of “*shiurim*” does not apply to the Mitzvos of Bnei Noach.¹

In light of these two ideas, it will emerge that the age from which a Ben Noach is obligated in the seven mitzvos that apply to him – as well as being liable for their consequences – is not thirteen, for that belongs to “*shiurim*,” which do not apply to a Ben Noach. Rather, it will be based on an assessment of his maturity, which may

Many people carry a heavy burden of emotional baggage, of anger and bitterness over things that were done to them. So much unhappiness can be avoided once we submit to Hashem’s will, by firmly believing that everything Hashem does is the best thing for us, that there is so much we do not understand, and that even when we are dealt with unfairly, there is a reason for everything that happens.

pertain even prior to the age of bar mitzvah.

How does this relate to our question?

The prohibition against murder is one of the seven mitzvos of Bnei Noach. In keeping with the above points, a Ben Noach could be liable for murder even below the age of thirteen. This brings us to a third point, namely, that the mitzvos we received at Sinai are in addition to those which we already had beforehand as Bnei Noach. This means that, all things being equal, any obligation or liability which already exists for a Ben Noach continues to exist for a Yisrael. Putting all these ideas together, the Ohr Sameach propounds a most striking halachic principle, namely, that even with regards to Yisrael, when it comes to mitzvos that also apply to Bnei Noach (such as not stealing), they too will be obligated in those mitzvos from a Torah standpoint from when they reach basic maturity, even before bar mitzvah!

All of this leads us to a fascinating possibility, for we can now consider that perhaps the age from which one can be punished for an act of murder should be lower than that of other mitzvos of the Torah! After all, murder is forbidden for Bnei Noach, and they are liable for their mitzvos even earlier than bar mitzvah. If so, the same should be true for Yisrael, whose mitzvos only come to add to those of Bnei Noach, not to detract from them!

We can now understand the basis of the Mechilta’s comment, for it was in order to counter this notion that the Torah saw it as necessary to stipulate that the punishment for murder is only incurred by “a man,” i.e. over bar mitzvah.²

1. Therefore, a Ben Noach who eats even less than a kezayis of something forbidden to him (e.g. ever min hachai) will be liable.
2. Indeed, the Mechilta itself on our pasuk expresses surprise that the situation for Yisrael should be more lenient in this respect than that of Bnei Noach and responds that even a minor who kills is in fact liable in Dinei Shamayim (the Heavenly Court). As the Ohr Sameach explains, the basis for that liability are the points which we have raised.

Civil Society and Har Sinai

Rabbi Dr. Kenneth Brander

After the high of Parshat Yitro featuring the giving of the Torah at Har Sinai as all the mountains quaked and lightning lit up the sky, we encounter Parshat Mishpatim. At first blush, what appears is a dry, technical treatment of issues in civil law – property rights, rules of damages, employee rights, and the like. How did we go from the lofty revelation of the ten commandments to the subdued, cold legalism of this week’s parsha? In fact, after being interrupted by the litany of laws presented in the first half of the parsha, at the end of Mishpatim the narrative of the Sinai revelation continues. Why not continue straight from Parshat Yitro into Chapter 24 of Shemot, finish the Mount Sinai narrative and proceed to its ongoing actualization through the construction of the Mishkan with God’s ongoing presence amongst the people - and save the laundry list of laws and regulations for later? In a shiur from 1969, Rav Joseph B. Solovitchik described how in Europe, Shabbat Parshat Mishpatim was known as the annual celebration of the ‘Chevra Shas,’ the groups of Jews who would gather each week to study Talmud together in Shul. The week of Parshat Mishpatim was the perfect occasion to celebrate the study of the Torah shebe’al peh, the Oral Torah. So much rabbinic energy and wisdom has been poured into the sugyot that emerge from our parsha, making up the bulk of the opening masechtot of Seder Nezikin and the halakhic codes on Choshen Mishpat, with thousands of pages of the rabbinic tradition devoted to the minutiae of these topics. If, in fact, God’s vision for the Jewish people is to serve as a mamlechet kohanim v’goy kadosh, ‘a kingdom of priests and a holy nation,’ a nation that is meant to inspire the world towards righteousness, then there can be no part of the Torah more central to that vision than Parshat Mishpatim. As Rav Yehuda teaches in Bava Kama (30a), ‘one who wishes to be righteous should immerse themselves in the laws of Nezikin (damages).’ For it is precisely this set of laws- those that dictate how we

build a just and ethical society – which leads us towards righteousness. Beneath the dry rulings on the borrowers and the goring ox and the claiming of collaterals is a vision of a just society, the kind of society we are called upon to build, the kind of society that is at the forefront of God’s mandate for us as Torah Jews to develop in this world.

Looking ahead to “the day after”, we who live in the State of Israel will need to face a serious reckoning regarding our ultimate mission. In the days and months leading up to October 7, our country faced an unprecedented breakdown in societal cohesion. Political and religious groups facilitated a chasm between us, nearly shattering our vision of a shared society for the whole Jewish people. The war and its aftermath have certainly done a great deal to reignite our common sense of identity and purpose, but this cohesion forged by crisis is already beginning to somewhat fray. When “the day after” comes, our challenge will be not to return to October 6th. We need to already now build new means for creating dialogue, respect, and partnership, to ensure that all sectors of Israel continue to build a better society together. There is a tradition attributed to the Arizal that prior to beginning the morning prayers, one should accept upon oneself the mitzva of loving their fellow, and an even earlier tradition, appearing already in the Gemara (Bava Batra 10a), that one should give charity before beginning to pray. These rituals are intended to put our Avodat Hashem in perspective; if we are not fully invested in caring for others and building a just society, if we do not see in these pursuits our ultimate religious and spiritual ideals, then we have simply misunderstood the Torah itself. It becomes impossible to create a meaningful relationship with God if we don’t begin with respect for one another. Only through commitment to building a just society as an inherently religious value will we succeed in fulfilling the bedrock of the Torah; only then will we be a kingdom of priests and a holy nation.

Haftarat Mishpatim: From Slavery to Empathy: The Foundation of the Berit

Rabbi Dr. Richard Hidary (From *From Within the Tent: The Haftarah, Essays on the Weekly Haftarot from the Rabbis and Professors of Yeshiva University*, YU Press, 2011)

Yirmiyahu 34:8–22, the haftarah for Parashat Mishpatim, relates a most significant, and otherwise unknown, episode that occurred during months before the destruction of Jerusalem. King

Tzidkiyahu and the Jews entered into a covenant to free all of their Jewish slaves. Shortly after fulfilling their promise to free their slaves, however, the slave owners reneged and recaptured their slaves. Yirmiyahu strongly rebukes

the owners for their behavior, and foretells that the king, the slave owners, and the entire city of Jerusalem will come to destruction on account of this. The chapter does not explicate why the owners agreed to the deal only to change their minds soon after; however, reconstructing the historical context may help fill in these gaps.

On the tenth of Tevet 588 bce, Nevuchadnezzar's army besieged Jerusalem (Melakhim Bet 25:1). The siege lasted until the summer of 586 bce, when the walls were breached and the Temple was destroyed (Melakhim Bet 25:2, 8). Sometime during this period, by the request of King Tzidkiyahu, Egypt sent a force against the Babylonians (Yechezkel 17:11–18, Yirmiyahu 37:7), driving the Babylonian army to lift the siege of Jerusalem so that they could fight the Egyptian army. This temporary relief gave many Judeans false hope that they were safe from the Babylonians. However, as Yirmiyahu predicted, the Babylonians soon deflected the Egyptian attack and returned to conquer Jerusalem. The last verse of Yirmiyahu chapter 34 thus states:

I [God] will bring them [the Babylonians] back against this city. They shall attack it and capture it, and burn it down. I will make the towns of Judah a desolation, without inhabitant.

This verse indicates that the Jews freed their slaves during the beginning of the siege and recaptured them when the siege lifted. Although the Torah commands us to free Jewish slaves in their seventh year of servitude (Shemot 21:2, Devarim 15:12) and in the Jubilee year (Vayikra 25:40, 52), the Judeans obviously ignored these laws, as well as any moral compunctions about keeping their slaves indefinitely. However, the threat of the siege prompted the Judeans to do teshuvah. In addition, freeing slaves during the siege could fulfill the need for more soldiers to defend the city. Furthermore, the slave owners were likely only too happy to rid themselves of the burden of feeding their slaves during this time of scarcity. Once the siege was lifted, the owners reverted to their previous enslaving mentality.

The root “שוב” – “to return,” serves as a leitwort in this chapter. The slave owners reneged on their promise (וַיִּשְׁבוּ) and recaptured (וַיִּשְׁבוּ) the slaves (v. 11). The Judeans had turned (וַתִּשְׁבוּ) to act properly (v. 15), but then they turned back (וַתִּשְׁבוּ) and recaptured (וַתִּשְׁבוּ) the slaves (v. 16). As a consequence, God will bring back (וַהֲשִׁיבֵם) the Babylonian army against Jerusalem. Verse 17 threatens with another instance of measure for measure punishment:

Assuredly, thus said YHVH: You would not obey Me

and proclaim a release (דָּרוֹר), each to his kinsman and countryman. Lo! I proclaim you release (דָּרוֹר) – declares YHVH – to the sword, to pestilence, and to famine.

One further measure for measure aspect of their punishment lies in the strange covenant ceremony in which an animal is cut in two and the participants pass through the parts. This type of ceremony is elaborated at length in Bereishit chapter 15 in the covenant with Avraham, but is also present in this haftarah:

I will make the men who violated My covenant, who did not fulfill the terms of the covenant which they made before Me, [like] the calf which they cut in two so as to pass between the halves. (Yirmiyahu 34:18)

The symbolism of cutting the animal into two is made explicit here: any party that violates the covenant and breaks apart the alliance between the members will himself be cut in two, just like the animal carcass. The same message is found in Shmuel Aleph 11:7 when Shaul gathers together the tribes to fight the Ammonites: “He [Shaul] took a yoke of oxen and cut them into pieces, which he sent by messengers throughout the territory of Israel, with the warning, “Thus shall be done to the cattle of anyone who does not follow Shaul and Shmuel into battle!” Other covenants from the Ancient Near East also employ this ceremony and symbolism, as in an eighth century Aramaic document called the Sefire treaty, which states: “As this calf is cut up, thus Matti’el and his nobles shall be cut up.”

Although slavery laws appear three times in the Torah, Yirmiyahu 34:14 borrows language most directly from Devarim chapter 15:

דברים פרק טו
(א) מִקֵּץ שִׁבְעַת שָׁנִים תַּעֲשֶׂה שְׂמִטָּה:
(ב) כִּי יִמְכַר לְךָ אֶחִידָה הָעֵבְרִי אוֹ הָעֵבְרִיָּה וַעֲבָדְךָ שֵׁשׁ שָׁנִים וּבַשְּׁנָה
הַשְּׁבִיעִית תְּשַׁלְּחֶנּוּ חֲפָשִׁי מֵעִמָּךְ:

ירמיהו פרק לד
(ד) מִקֵּץ שִׁבְעַת שָׁנִים תְּשַׁלְּחוּ אִישׁ אֶת אֶחָיו הָעֵבְרִי אֲשֶׁר יִמְכַר לְךָ
וַעֲבָדְךָ שֵׁשׁ שָׁנִים וְשַׁלַּחְתּוּ חֲפָשִׁי מֵעִמָּךְ

The slavery laws in Vayikra are also referenced in the word “דָּרוֹר” (Yirmiyahu 34:17 and Vayikra 25:10). Additionally, both contexts entail that all slaves be freed at the same time – during the Jubilee year in Vayikra chapter 25, and at the time of Tzidkiyahu's covenant in Yirmiyahu chapter 34 – as opposed to counting seven years for each slave individually.

Nevertheless, Yirmiyahu chapter 34 is a most appropriate haftarah for Mishpatim because both contexts

highlight the fundamental importance of slavery laws in the Torah's teaching. That a covenant was made by Tzidkiyahu specifically about slavery, and no other issue, points to the centrality of this law. Although Yirmiyahu chastises the nation about the general categories of idolatry and ethics, slavery is here singled out as a cause for the destruction. The central importance of slavery laws is found in Parashat Mishpatim as well. This parashah immediately follows the Ten Commandments and elaborates predominantly on the ethical demands in the second half of the Decalogue. We therefore would expect this parashah to begin with laws of murder and homicide. We find, however, that capital cases are listed second (Shemot 21:12–32), only after the laws concerning slavery. Rather, the slavery laws serve as an introduction to the entire ethical code, because the impetus to treat others with compassion stems from our experience as slaves.

Every time the Torah enjoins us to remember that we were slaves in Egypt, the purpose is not that we should hold a grudge against the Egyptians. On the contrary, Devarim 23:8 commands us: "You shall not abhor an Egyptian, for you were a stranger in his land." Rather, the Torah teaches us to remember how we suffered in Egypt in order to never cause others to suffer. Indeed, the essence of all of ethics, whether in the golden rule of Vayikra 19:18, in modern philosophy, or in recent psychological research, is the ability to empathize with others.

Although the Torah recognizes the institution of slavery, it is completely transformed to conform to higher standards of ethics. The non-Jewish slave gains his freedom if the master causes him permanent bodily damage, and the master can receive capital punishment for murdering the slave. The slave's humanity is thus preserved in these laws and in the prohibition from working him on the Shabbat. The Jewish slave is treated more like a hired worker than what we usually think of as a slave. While slavery may have been a necessary safety net for people in extreme debt, it is clear that the Torah's ideal is for all humanity to be free. The Torah's conception of slavery radically contrasts with the widespread view of the Ancient Near East. To cite just one example, the very last law in the Hammurabi Code states:

If a slave says to his master: "You are not my master," if they convict him, his master shall cut off his ear.

Shemot 21:5–6, on the other hand, legislates:

If the slave declares, "I love my master, and my wife and children: I do not wish to go free," his master shall take him before God. He shall be brought to the door or the

doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life.

In the Code of Hammurabi, the slave's ear is cut off because the slave tried to gain freedom and contradicted his master. In the Torah, the slave's ear is pierced because he chose to remain a slave and thereby disobeyed God's plan that all men should be free. Once we learn to treat others not as means to get something or objects of our manipulation, but rather as ends, each endowed with infinite value, then the rest of morality follows naturally.

This haftarah relates the events surrounding Tzidkiyahu's covenant, one that the Judeans regrettably ignored. Yirmiyahu 34:13 connects this present covenant with the original covenant at Sinai, a covenant that revealed a revolution in ethics and that was sealed in blood (Shemot 24:6). The end of the haftarah incorporates a third covenant about a hopeful future. Rather than conclude with the destruction of Jerusalem caused by the breaking of Tzidkiyahu's covenant, the haftarah appends the last two verses of the previous chapter, which describe an everlasting covenant and a promise for Israel's restoration. May we have the strength to live up to demands of God's covenant and merit to see Jerusalem's full restoration.