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Rabbi Yissocher Frand
Parshas Mishpatim

"If" It Is Not Really Your Money

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: #1282 Treating Ebola Patients; The Har Nof Massacre and Kidney Donations. Good Shabbos!

Parshas Mishpatim introduces the prohibition against being an oppressive lender, and of taking or charging interest on loans: "Im (usually translated as "If") you lend money to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him." (Shemos 22:24). The pasuk, as formulated, seems rather strange because there is a positive mitzvah to lend money to a fellow Jew in need. Yet the pasuk begins with the expression "Im kesef talveh..." which implies that if someone decides to lend money, then the

following halachos apply. The Torah does not use this (apparently) optional word Im in connection with the mitzvah of tefillin or matzah or any other positive mitzvah. We would expect the Torah to state emphatically "You should lend money to (the needy in) your nation" and then go on to specify the halachos inherent in lender-borrower transactions.

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

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

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

The Malach Ensured That Esther Was Only "Modeh B'miktzas" to Achashverosh's Question

The parsha contains halachos of shomrim (watchers): "If a man shall give money or vessels to his fellow to safeguard, and they are stolen from the house of the man, if the thief is found, he shall pay double. 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. For every item of liability – whether an ox, a donkey, a sheep, or a garment – regarding any lost item about which he says, ki hu zeh! ('this is it!'), to the court shall come both their claims. Whoever the court finds guilty shall pay double to his fellow." (Shemos 22:6-8)

When a person asks someone to watch something for him and it is stolen, any item about which the watchman says "ki hu

zeh” triggers a requirement for the watchman to swear to the owner. Rashi here brings the p’shuto shel mikra (simple interpretation of the pesukim), but then brings the drasha of Chazal on the words “ki hu zeh”: Namely, that an oath is not imposed on a person unless he admits part of the obligation.

The Gemara derives from these words the halachic requirement of “modeh b’miktzas” – admitting part of a financial obligation. This applies classically to a loan situation. Reuven claims that he lent Shimon \$200 and he has not yet been repaid. If Shimon denies the loan ever took place, or he claims he already fully paid back the loan (“kofer hakol”), he does not need to pay and he does not even need to swear on a Biblical level (unless Reuven has some type of proof to back up his claim). However, where there is a partial admission of debt, Shimon must take an oath to support his claim of partial payment. This is derived exegetically from this pasuk of “...Asher yomar ‘ki hu zeh...’”.

The sefer Toldos Yitzchak explains how this expression teaches the halacha of “modeh b’miktzas”. In order to appreciate the Toldos Yitzchak, we need to understand a little bit about Hebrew grammar. The word “hu” (he) is what is known as lashon nistar. It is “third person” (like he, she, them and that) and refers to someone out there, as opposed to someone in front of me. On the other hand, the word “zeh” (this) is what is known as lashon nochach. It is “second person” (like you and this) and refers to someone or something in front of me. The complete denial of debt is lashon nistar (“hu”) because it is third person or distant from me. The admission of debt is lashon nochach (“zeh”) because it is second person or right in front of me. The combination of “zeh” and “hu” indicates something that is both right here and not right here – a partial admission (“modeh b’miktzas”).

With this principle, the Toldos Yitzchak gives a beautiful interpretation of a pasuk in Shmuel. The Ribono shel Olam told Shmuel to anoint one of the sons of Yishai as the next king of Israel. Yishai presented his oldest son, Elihu, and Hashem told Shmuel that he was rejected. Yishai presented his sons to Shmuel one by one and each one was rejected, until he came to Dovid, who the pasuk describes as “reddish in complexion with beautiful eyes.” (Shmuel I 16:12) At that point, Hashem told Shmuel: “Arise, anoint him, ki zeh hu (for he is the one).”

The Gemara says that Shmuel was hesitant to anoint this youngest son of Yishai. Shmuel could not believe that this was going to be the future king of Israel because he was reddish in complexion. Shmuel took this reddish complexion to indicate that Dovid was a murderer. (Red like blood.) The Almighty says, yes, his complexion is red like blood but he is “yefeh aynayim” – when he kills, he only kills with the authorization of Beis Din.

Eisav was also reddish in complexion. He was in fact a killer. However, while Dovid was a warrior, he fought with the authorization of the Almighty. Hashem said “Ki zeh hu” – the ZEH (what is in front of you) is in fact red, but what is hidden (nistar) in that the ZEH is a HU, a melech Yisrael who will only kill with the permission of the Sanhedrin.

Rav Meir Shapiro once similarly interpreted a pasuk in Megilas Esther. The Megila writes that when Esther invited Haman and Achashverosh to her meal and told the king about the plot to kill her people, Achashverosh asked: Mi hu zeh, v’eizeh hu? (Who is this and which one is he?) (Esther 7:5) Esther responds, “It is...this wicked Haman...” (Esther 7:6)

Rav Meir Shapiro explains beautifully: Achashverosh hated the Jews just as much as Haman, so when he asks Esther “Mi hu ZEH, v’eizeh HU?” his question is “Who are you referring to? Are you referring to ZEH – the Haman that you KNOW wants to kill the Jews, as is obvious in front of you – or are you referring to the HU – the person who is also trying to kill the Jews but in a way that is not so obvious – that is hidden (Achashverosh himself)? Achashverosh is trying to understand – does she really know the ‘score,’ that I hate the Jews as much as Haman does?

Esther knew the score. Esther knew that it was the ZEH (Haman) and she knew that it was also the HU (Achashverosh). She pointed her finger and said “Haman harah haZEH” (THIS wicked Haman). The Gemara says she was really pointing at Achashverosh but a malach (an angel) came and pushed her finger away in the direction of Haman, so that she would not reveal to the king what she really understood about him.

Transcribed by David Twersky; Jerusalem DavidATwersky@gmail.com Edited by Dovid Hoffman; Baltimore, MD dhoffman@torah.org This week’s write-up is adapted from the hashkafa portion of Rabbi Yissochar Frand’s Commuter Chavrusah Series on the weekly Torah portion. A complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Torah.org: The Judaism Site Project Genesis, Inc. 2833 Smith Ave., Suite 225 Baltimore, MD 21209 <http://www.torah.org/learn@torah.org> (410) 602-1350

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God’s Nudge

MISHPATIM - Rabbi Lord Jonathan Sacks Z"l

First in Yitro there were the Aseret Hadibrot, the “Ten Utterances”, the Ten Commandments, expressed as general principles. Now in Mishpatim come the details. Here is how

they begin:

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

Ex. 21:2-6

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

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

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

Gen. 15:12-13

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

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

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

So it is no surprise that the first laws they were commanded after Sinai related to slavery. It would have been a surprise had they been about anything else. But now comes the real question. If God does not want slavery, if He regards it as an affront to the human condition, why did He not abolish it immediately? Why did He allow it to continue, albeit in a

restricted and regulated way, as described in this week's parsha? Is it conceivable that God, who can produce water from a rock, manna from heaven, and turn sea into dry land, cannot call for this change to human behaviour? Are there areas where the All-Powerful is, so to speak, powerless?

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

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

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

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

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

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

Talmon's great book on the thinking behind the French Revolution, to totalitarian democracy.

God can change nature, said Maimonides, but He cannot, or chooses not to, change human nature, precisely because Judaism is built on the principle of human freedom. So He could not abolish slavery overnight, but He could change our choice architecture, or in plain words, give us a nudge, signalling that slavery is wrong but that we must be the ones to abolish it, in our own time, through our own understanding. It took a very long time indeed, and in America, not without a civil war. But it happened.

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

the verse:

“Not to act wickedly and make for yourselves a sculptured image in any likeness whatever... the form of any beast on earth, the form of any winged bird that flies in the sky...the form of anything that creeps on the ground” (Deuteronomy 4: 16-18).

However, in the opinion of all other Rishonim and Achronim (earlier and later Jewish law authorities), it is not prohibited, because what the Torah prohibited is to make these forms in order to worship them as idols. The established halakha is that it is permitted to make statues of animals such as lions, elephants and deer, as well as cattle like oxen, birds like doves and eagles, fish, trees, plants, and anything in nature. Only when there are people who worship these forms, is it forbidden to make them for those people (Shulchan Aruch, Yoreh Deah 141:6). Therefore, there is no problem with the lion statues that the Jerusalem municipality placed throughout the city. However, the Torah forbade making statues of a full human form, or of heavenly bodies, even for decoration (Shulchan Aruch Yoreh Deah 141:4).

The Ancient Ashkenazi Custom to Place Lion and Animal Statues in Synagogues

Since there is no prohibition on making animal statues, it was customary in Ashkenaz, already over nine hundred years ago, to decorate synagogues with sculptures or woven works of animals, birds and snakes, in order to express the animals and birds praising God, as well as to beautify and glorify the synagogue. They would especially make lion forms, in order to express God's kingdom, that even the lion, the king of beasts, gives honor to his Creator, the King of kings, the Holy One, blessed be He. This is akin to the “cherubim, the work of a skilled craftsman” that were woven into the curtains of the Tabernacle, which on one side had the face of a lion (Exodus 26:1, 31; Rashi; Machaneh Chaim, Yoreh Deah 2:29). It also hints to the Mishna's words “Be strong as a lion, to do the will of your Father in Heaven” (Avot 5:20; Heichal Yitzchak, OC 11).

<https://www.yutorah.org/sidebar/lecturedata/759999/To-Counterbalance-Love>

To Counterbalance Love

Rabbi Eli Baruch Shulman

May 06 2006

The Talmud (Yevamos 62a) tells us that Rabbi Akiva's students died because they did not treat each other with kavod [respect]. We mourn their deaths during sefiras haOmer each year. Jewish history, unfortunately, has known many other tragedies; why do we continue to remember this one?

The answer emerges from an analysis of Rabbi Akiva's famous dictum, “Love your friend as yourself – this is a major rule in the Torah,” and its relation to his students' actions. If Rabbi Akiva put this concept of ahavas yisrael, love of fellow Jews, at the center of his philosophy, how is it possible that all of his own students neglected it?

The Talmud (Yevamos 62a) instructs men to “love their wives as much as themselves, and respect them more than themselves.” Why must love be balanced by respect; isn't marriage all about love, and doesn't love automatically imply respect?

R. Zerachyahu haLevi explains that the word kavod is etymologically synonymous with nefesh, which means ‘soul’ or ‘self’. Kavod means respect because we respect someone whom we perceive as having some self-distinguishing quality that sets them apart. Kavod is the acknowledgement and deference that we offer to individuality, to individual uniqueness, and to accomplishment. We don't respect someone for being the same as everyone else, but for being his own self, for being different in a way that we value.

The difference between love and respect is that love is based on the feeling that we are really one. People marry because they find in their partner a kindred spirit. People love their children because they see them as extensions of themselves. We love our fellow Jews because we feel kinship with people who share our own history and destiny.

Respect, on the other hand, is based on the dignity of difference. I respect someone because I recognize that he is different than me, and I consider that difference valuable.

Love without respect can be overbearing, even tyrannical. One can see that with children. A parent can love his children – and yet ruin them by constantly trying to make them more like him or her. This is even truer with a spouse. Marriage is such a close human relationship because it is based on love – on finding in each other kindred spirits. Therefore, it is especially important for that love to be balanced by respect, by kavod – by recognition that one's partner is a different person. He or she need not like the same books or food that I do, nor have the same opinion. Because I love them, I may be driven to make

them more like me, but that is destructive; that is the tyranny of love. Love must be tempered with kavod; we must value our differences as much as our similarities.

This is where Rabbi Akiva's students went wrong. They did not neglect their rebbe's teaching of loving each other as themselves. Rather, they took this rule too far. Because they put so much emphasis on love, they failed to balance it with kavod. They loved each other, but they didn't respect each other's individuality and differences.

In contrast, our failing – the failing that led to the destruction of the Beis haMikdash and its continued desolation – is sinas chinam, unwarranted hatred. This is why we mourn for Rabbi Akiva's students. With them, we lost a reservoir of ahavas yisrael, love of fellow Jews, which might have saved the Jewish people.

A generation after the churban – after that eruption of civil strife and sinas chinam that destroyed everything – a group of scholars arose, a potent force within the people, who adopted as their motto the cardinal principle of Rabbi Akiva, the principle of ahavas yisrael. They represented so much potential and promise. But they went too far. They excelled at loving others as themselves – but not at respecting them more than themselves. Our mourning is for that loss.

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The article below is from Rabbi **Riskin's book Shemot: Defining a Nation**, part of his Torah Lights series of commentaries on the weekly parsha, published by Maggid and available for purchase here.

Parshat Mishpatim: What Constitutes a Jewish Court?

Rabbi Dr. Shlomo Riskin is the Founder and Rosh HaYeshiva of Ohr Torah Stone

“These are the statutes which you must place before them.” (Exodus 21:1)

If two religiously observant Jews are engaged in a disagreement which has financial ramifications, are they permitted to go to a secular court to arbitrate their dispute or must they go to a religious court or bet din? Is the law different in Israel, which has a religious as well as a secular court system, but where even the secular court judges are Jewish? And if indeed Jews are religiously ordained to go to religious courts exclusively, why is this the case? After all, secular courts in America are certainly fair and equitable!

The Torah portion of Mishpatim provides interesting responses to all three questions. It opens with the command: “These are the statutes which you [the Israelites] shall place before them [the religious judges]” (Ex. 21:1). Rashi immediately cites the Talmudic limitation (Gittin 88b):

“Before the religious judges and not before gentile judges. And even if you know that regarding a particular case, they [the gentile judges] would rule in the exact same way as the religious judges, you dare not bring a judgment before the secular courts. Israelites who appear before gentile judges desecrate the name of God and cause idols to be honored and praised.” (Tanchuma Mishpatim 3)

According to this passage, it would seem that the primary prohibition is to appear before gentile judges who are likely to dedicate their legal decision to a specific idol or god; it is the religion of the judge rather than the content of the judgment which is paramount. From this perspective, one might legitimately conclude that Israeli secular courts – where the judges are all Jewish – would not be prohibited. (*This is the conclusion reached by Jerusalem Magistrate Court Judge Jacob Bazak, in ‘Courts of Law in the State of Israel – Are They Indeed Secular?’, *Tehumin* i i (5741) pp. 523–528.)

Moreover, secular courts in America – where there is a clear separation between religion and state in the judiciary – may very well likewise be permitted.

However, the great legalist and philosopher Maimonides would seem to support another opinion. Although he begins his ruling, “Anyone who brings a judgment before gentile judges and their judicial systems... is a wicked individual” – emphasizing the religious or national status of the judge rather than the character of the judgment – he then concludes, “...and it is as though he cursed and blasphemed [God], and lifted his hand against the laws of Moses.” (Laws of the Sanhedrin 26:7) Apparently, Maimonides takes umbrage at a Jew going outside the system of Torah law, thereby disparaging the unique assumptions and directions of the just and righteous laws of God.

In order for us to understand exactly what is unique about the Jewish legal system, permit me to give an example of the distinctive axioms of Torah law from another passage in this Torah portion, the prohibition against charging or accepting interest on a loan.

“If you will lend money to my nation, to the poor person with you, you may not be to him as a creditor, you may not place upon him an interest rate [neshekh]; and if you accept from him your friend's cloak as security for the loan you must return the cloak to him before sunset. Because, after all, it may be his only cloak and [without it], with what [cover] will he lie down? And if he cries out to Me, I shall hear because I am gracious.” (Exodus 22:24–26)

In addition to noting the touching poignancy of the latter portion of the passage, I would like to ask four questions, one on each of the four earlier phrases of the commandment. First of all, the prohibition against interest begins, “If you will lend money to my nation.” Although Rashi cites the teaching of

Rabbi Yishmael that this is one of the three biblical instances where the usage of the Hebrew 'im' is not to be understood as being volitional – if – but is rather to be taken as an imperative – “When you lend money to my nation,” as you should do – nevertheless, one might legitimately query why the Bible chooses to use such an ambiguous term for an act of lending, when it is clearly God’s desire that we perform this act!

Second, the Bible seems repetitious: “...to my nation, to the poor person with you.” One or the other of these two phrases would have been sufficient to teach the point!

Third, “You may not be to him as a creditor,” says the Torah. This is interpreted by our sages to mean that not only is it forbidden for the creditor to remind the debtor of the loan, but the creditor must go out of his way not to cause the debtor embarrassment; if the creditor sees the debtor walking towards him it is incumbent upon the creditor to change direction. Why? After all, the debtor took money from the creditor, didn’t he? Why not remind the debtor that the loan must be repaid?

Fourth and finally, the specific prohibition against interest itself seems problematic. The Hebrew word used in the Bible for interest – “neshekh” – also means the bite of a snake, which our sages compare to interest since the serpent initially injects his venom painlessly but it ultimately consumes the entire individual and takes his very life! Maimonides goes so far as to codify:

“Anyone who writes a contract with an interest charge is writing and causing witnesses to testify that he denies the Lord God of Israel... and is denying the exodus from Egypt.” (Laws of Lenders and Borrowers, 4:7)

What is the logical reason for the prohibition against interest – and why the hyperbolic comparisons? After all, there is no prohibition against charging rent for the use of my house! Why should there be a prohibition against charging rent for the use of my excess funds?

Rabbi Haim ibn Attar, in a most brilliant illumination, beautifully explains this passage in his commentary Ohr Hachayim. In an ideal world, he maintains, there ought to be no rich and no poor, no lenders and no borrowers; everyone should receive from the Almighty exactly what they require to live. But, in His infinite wisdom, this is not the manner in which the Lord created the world. He provides certain individuals with excess funds, expecting them to help those who have insufficient funds, appointing them His “cashiers” or “ATMs.” Hence you must read the verse as “If you have [excess] money to lend to my nation, [understand] that what ought to have gone to the poor individual is with you.” You were merely given the poor person’s money in trust; your extra funds actually belong to him!

If you understand this fundamental axiom – that the rich

person is actually holding the poor person’s money in trust as an agent of the divine – then everything becomes clear. Of course, the lender may not act as a creditor, because she is only giving the poor man what is in actuality his. And of course one dare not charge interest, because the money you lent out was never yours in the first place.

This is the message of the exodus from Egypt, the seminal historic event which formed and hopefully still informs us as a nation: no individual ought ever be owned by or even indebted to another individual. We are all owned by and must be indebted only to God. This fundamental truth is the foundation of our traditional legal system which is uniquely just and equitable: it is especially considerate of the needs of the downtrodden and enslaved, the poor and the infirm, the orphan and the widow, the stranger and the convert, the “chained wife” and the indigent forced to sell their land. From this perspective, not only must we submit to Jewish law, but it is crucial that our judges be certain that Jewish law remains true to its ethical foundations

Shabbat Shalom

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

date: Feb 8, 2024, 3:50 PM

The Chassidic Definition of Trauma

When My Reptilian Brain Goes Wild, I Need to Help It See its Owner

By: Rabbi YY Jacobson

Rage Therapy

A man walks into a bar. He calmly orders a drink and proceeds to abruptly pick up his glass and hurl it at the shocked bartender.

After a moment of uncomfortable silence, he begins apologizing profusely, pleading for forgiveness: “I am mortified; I suffer from uncontrollable rage, I am deeply ashamed of it, I don’t know what came over me, please forgive me for my embarrassing behavior.” The bartender graciously forgives him. However this happens nightly for a week straight, each outburst followed by sincere regret. Finally, the bartender makes an ultimatum: “Either you undergo intense anger-management therapy or do not ever enter this bar again.” The man consented.

A year later, he returns to the bar, a rehabilitated man. But lo and behold, he immediately takes his glass and heaves it at the bartender. “What are you doing?” the bartender thundered, “I thought you went to therapy!”

“I did,” the man replied, “and now I am not embarrassed anymore.”

Animal Laws

This week’s Torah portion (Mishpatim) deals with the laws of damages caused by one’s animals [1]. Say, for example, your

domesticated bull suddenly and uncharacteristically gores and kills another bull. Perhaps your domesticated usually well-behaved dog goes berserk and suddenly attacks and bites another dog, or an innocent stranger. The Torah tells us, that for the first three altercations the owner of the bull pays for only half the damage. Since it is unusual for a bull to suddenly gore, the owner was not expected to take all precautionary measures to prevent this. He is not deemed completely responsible, and he splits the losses with the owner of the wounded animal. (Such an animal is called a "tam").

After three incidents, it is established that this bull is aggressive and is prone to attack regularly, and the owner is held fully responsible to guard his animal (such an animal is called a "muad.") He, therefore, pays for all the damage occurring as a result of his failure to guard his beast [2].

Is "Repentance" Possible?

How about re-orientation? Meaning, can a bull or any other animal resume their original status of innocence after damaging three times?

Yes, says the Talmud [3]. And this can be achieved in two ways: Either the owner rigorously disciplines his animal until its disposition is transformed, and it learns to behave. Or he can sell the animal or give it as a gift to someone else. With a new owner and new patterns and schedules, the Halacha (Jewish law) assumes the animal will return to its natural inborn domestic nature and is considered nonviolent until proven otherwise [4].

The Psychological Dimension

Every law of the Torah has a psychological and spiritual rendition, in addition to the concrete and physical interpretation. One of the primary functions of the Jewish mystical tradition -- Kabbalah and Chassidism -- is to explain the metaphysical meaning behind each law and Mitzvah of the Torah and the Talmud.

How can we apply the above-mentioned set of laws to our own personal and spiritual lives?

The Mystical Animal

Each of us possesses an animal within; an earthy, mundane consciousness that seeks self-preservation and self-enhancement. Survival and comfort are its sole consideration. In today's neuroscientific vocabulary we would define it as the reptilian and mammalian brain, responsible for our survival and emotions seeking to keep us safe and secure.

The "human-animal" is not inherently bad or destructive; it simply will do anything to survive and feel comfort, often cultivating patterns of aggression or isolation which in its mind are vital for survival. In contrast to other traditions which claim man is inherently sinful, and therefore in need of salvation, Judaism does not see any part of our consciousness as evil at its core.

When one is born, the animal within is innocent and even adorable. Its primary goal is to preserve its existence, and enjoy a safe and comfortable life. However, if our animal consciousness, if our amygdala, does not get the safety it needs, and is not educated, cultivated, and refined, this cute innocent animal can grow to become a self-centered, isolated, beast. The beast can turn into a monster, prone to destroy itself and others around it in its quest for survival. Sometimes our animal can become addicted to various things (food, drugs, nicotine, alcohol, sexuality, etc.) to desperately fill a void it is experiencing or run from a wounded self-image. Many of our inner animals become, at one point or another, damaging forces, causing pain to themselves and to others.

Two Types of Animals

There are two distinct types of "damaging human animals." There is one whose moments of aggression are seen as unusual deviations; and one for whom these destructive patterns have become common behavior.

In the first instance, the Torah tells us to be more understanding of the "owner" of the animal. Nobody is ever entitled to "gore" or "bite" another human being. But we need to remember that even the gentlest husband can lose himself and raise his voice in anger, and even the most loving woman may, in a moment of stress, make a denigrating comment. It is painful and amends must be made, but it's not the end of the world.

We have our weak moments, when our inner lizard, rat, or Chimpanzee, take over our bodies and behaviors; we say or do hurtful words or deeds, to ourselves or others. Our rational, visionary, and Divine consciousness go "offline" for those moments, as our inner animal takes a stab at a spouse, child, co-worker, or stranger. It is hurtful, but we can make amends.

As long as the offender acknowledges his or her wrongdoing and accepts accountability, understanding and forgiveness may follow. To be human is to err. Our goal is not perfection, but accountability. Life will sometimes throw you a curveball, and in the shock that follows you may lose yourself and begin to "gore." As long as you are accountable for your actions and words, as long as you can look on with compassion and identify what happened, your negative behavior is considered an anomaly, an aberration from your authentic, Divine self. Every mistake teaches us a lesson from which we can grow.

But when I find that anxiety, fear, or dissociation take over my system, my behaviors, and my relationships -- I am living in anger, shame, resentment, or just detached from my emotions -- my body is responding to an inner wound it carries, I must realize I may be living in active trauma, my animal has shut down, or has gone wild, to protect me.

If the incidents of abuse and destruction persist -- if a husband continuously shouts at his wife or children; if a person in a

position of leadership shatters the lives of the people he is responsible for; if a wife only derides and ridicules her husband; if one cannot control their food, alcohol, drug, or sexual addiction -- their behavior cannot be condoned. We are dealing with an animal whose selfish, destructive, and unhealthy inclinations have become the norm.

Making mistakes is part of life. But if these mistakes are repeated continuously and become regular habits without being controlled and stopped, they are dangerous. They have become a lifestyle, a routine, sometimes an addiction. The owner of this "animal" cannot excuse himself or herself by saying, "I did not realize, I did not know." He or she must "seize the bull by its horns" (pun intended), and accept full accountability.

But how does such an animal return to its original, innocent status? How can one rehabilitate oneself? How does one regain the trust of the people he/she has hurt so badly?

Two Paths to Recovery

There are two roads available: The first is the rigorous process of self-refinement, in which your animal learns to confront and challenge its deepest fears and urges, and it painstakingly de-beasts its abusive character.

Yet, even before you manage to work through all of the dark chambers of your wild animal, the teachings of Judaism present another alternative: Change the jurisdiction of the animal.

Take your animal and submit it to the higher power, to the property of its Divine Creator. Even before you work through every dark chamber, surrender to the higher reality. Take your rage, your addictions, your depression, your fear, your shame, and submit them to G-d. The universe is created anew at every single moment. You, I, and all of existence, are being recreated right here and right now. My present breath is the miracle of re-birth. In a balanced and centered consciousness, life happens in the here and now. Transferring to His ownership means that at this moment you can put your past demons to rest and start anew. You are as fresh as a newborn.

Talk to your animal and meditate together on the following truth: Yes, I know that we have a complicated past and I can feel so much compassion for what you felt you needed to become in order to survive. I am so sorry. I know you believe that you are prone and addicted to all types of behaviors. I know you feel like you have to go into fight, flight, fawn, or freeze. But right now, my dear animal, let us live in the present. You and I were just created anew, with a clean slate. So let us finally begin to live. For real.

It is sometimes scary to throw away the baggage of our past; familiar misery seems more comfortable than unfamiliar change. But we need to take full responsibility for our future. We must muster our courage and view ourselves from the G-d's perspective, from His ownership. In His world, everything

is recreated each moment. We can liberate ourselves from our past and defy ominous predictions of our future, and we can do it now. The work of healing internally will continue, but in a very real way, I can gain dignified control over my inner reptilian and mammalian brain.

If you are serious and compassionate, your animal will listen -- and respond.

What is trauma? My difficulty in experiencing the miracle of the here and the now. To be fully present to the breath of life flowing through me at this moment. We heal trauma as we can be fully present to the creative divine energy flowing through us right now.

The Prisoner's Dilemma

A story: In the 16th century, an innocent Jew was thrown in prison by a feudal baron who gave him a life sentence. For some reason, this tyrannical baron decided to show the man a bit of mercy. He told him, "Look Jew, you're my prisoner for life, there's nothing that will change that. But this I will do for you: I will grant you one day of freedom a year during which you can return to your family. Do whatever you want. I don't care which day you choose. But remember, you have only one day a year."

The man was conflicted. Which day should he choose? Should he choose Rosh Hashanah, to hear the sounding of the shofar? Yom Kippur, the holiest day of the year? Passover, to celebrate a seder? His wedding anniversary?

This prisoner, not being able to make up his mind, wrote a letter to one of the rabbinic leaders of that generation, Rabbi David ben Zimra, known as the Radbaz (1479-1573), the spiritual leader of the Jewish community in Egypt, and then in Sefad. The prisoner asked for his advice.

The Radbaz said the prisoner should choose the first available day. Whatever it is, grab it now, don't wait — be it a holiday, a Shabbat, a Monday, or a Wednesday.[5]

A Flood of Positive Energy

This was a marvelous reply. More importantly, it is true for us as well.

Healing begins when I can truly live in the now. When I can show up to the gift of the moment. When I can take my animal, and its wounds, and submit it to G-d who recreates it each moment anew. Let your animal submerge itself in goodness, love, and holiness. Fill your days and nights with meaningful behavior: with authentic connection and attachment, with kindness, with the study of Torah, the celebration of Mitzvos, acts of grace, a life of authenticity and meaning. Your animal will get it. Now that's a holy cow.[6]

[1] Exodus 21:35-36 and Rashi ibid. From Talmud, tractate Bava Kama. [2] Such an animal is called in the Talmud a Muad, in contrast to a Tam, which is the title granted to a domesticated animal before it has attacked three times.

There is an interesting argument among Talmudic commentators, if an animal that gores three times is deemed by Jewish law as having become of a destructive nature, or that the aggressive pattern of its behavior demonstrates that it has always been of such a disposition, we were merely unaware of it (Acharonim to Bava kama 2b.) This debate has some interesting implications, particularly when we review this law from a spiritual and psychological perspective, discussed below. [3] See Bava Kama 14a; pp. 39-40. Rambam Hilchos Nizkei Mamot 6:6-7. [4] Though this option is disputed in the Talmud (Bava Kama 40b), Maimonides (ibid.) sees the view mentioned above as the final law. [5] See Teshuvos Chacham Zvi Siman 106 for a lengthy discussion on the matter. [6] This essay is based on a talk by the Lubavitcher Rebbe presented on the 4th night of Sukkos, 17 Tishrei, 5747, October 10, 1987. Part of this talk was published in Likkutei Sichos vol. 36 pp. 102-108

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Rabbi Reisman – Parshas Mishpatim 5784

1 – Topic – A Halacha Thought from Rav Elchanan

As we prepare for Shabbos Parshas Mishpatim the Shabbos that we try Bli Neder to learn the Rashis because there are so many Halachos in this week's Parsha. Let me talk about two of them. The last words before Sheini are 21:19 (וְרָפָא יִרְפָּא). That is that when one yid damages another, he has an obligation to pay the D'mai Refuah, the cost of healing him. In other words, there are five obligations that you will remember from Baba Kamma. Nezek – damages, Tzar – pain, Ripui – healing, Sheves – lost wages and Boshes – compensating for his embarrassment. One of them is called Ripui.

I would like to share with you an old Kler from the Yeshiva days which I hope will bring back wonderful memories and you will enjoy it as it is very Geshmak. Rav Elchanan in two places, primarily in Cheilek Beis of Kovetz Shiurim where he has a few pieces on Maseches Gittin, Os Yud Aleph. He mentions this also in Kesubos, Os Reish Yud Ches. He Klers a Shaila. What is the obligation of (וְרָפָא יִרְפָּא)? If one Jew damaged another. Let's say he cut his hand and the man has to go for stitches. So the damager who we call the Mazik has to pay the cost of the stitches.

There are two ways to understand that. The first way to understand it is that it is a cash payment that he owes him. He owes him money. The money is the amount of money it costs to be healed. The second way to understand is that he has an obligation to heal him, he has an obligation to make sure he gets healed. The obligation is not set in dollars, it is a personal obligation to heal him. Now he himself is not a doctor so he

gets someone else to do the healing, however, his obligation is to ensure that he gets healed. Sounds like a very slight difference if it is a cash obligation or an obligation to get healed.

Says Rav Elchanan the following Nafka Mina. What happens if Reuven damaged Shimon and he told him okay Shimon go get stitches and I will pay you. Shimon G-d forbid got killed before he had the stitches. Does Reuven have to pay Ripui to the Estate of Shimon? If you learn the first way that it is an obligation for a cash payment, then the obligation still stands. If you learn the second way that it is an obligation to heal him, he is not going to be healed because unfortunately he passed away, and then there is no obligation. This is the Chakira, the Kler that Rav Elchanan has.

It is interesting that in Dibros Moshe in Maseches Gittin Siman Yud Aleph, Anaf Beis and on, he has exactly the same Chakira. Both Rav Elchanan and Rav Moshe come to the conclusion that it is not a cash obligation, it is an obligation to heal the individual. Rav Moshe brings some Geshmaka Rayos. The easy one to say over is that the Gemara in Baba Kamma 87 says what about if the one who did the damage is himself a doctor. He says I will give you the stitches and no one will have to pay. He says that the Nizak, the one who is damaged can tell him it is difficult for me, psychologically it is difficult. To me you are like a lion. You are a damager. Psychologically it is hard for me to accept that you will heal me.

Says Rav Moshe, why if not for this argument, why could the Mazik say that I will heal you? Why doesn't the Nizak have a right to choose whoever he wants to go to? The answer is because he has an obligation to heal. Were it not for the argument that the Nizak can say you are like a lion to me, he would be allowed to do it.

The Gemara says another thing. The Gemara says what happens if the Mazik says I have a friend who will heal you for free. Don't go, I have a friend who is a professional at stitches and he will do it for free. The Nizak can respond as it says in Baba Kamma 85a (4 lines from the bottom) (אִסְיָא דְּמַגֵּן בְּמַגֵּן מִגֵּן) (שורה), when people do things for free, it is not worth anything. They don't feel a responsibility. I don't want.

Again, Rav Moshe says why does he need a Taina, why can't he just say that I want to go to my doctor. He has to have an argument that (אִסְיָא דְּמַגֵּן בְּמַגֵּן מִגֵּן שוה). We see from here that the obligation is to heal. These are two of Rav Moshe's explanations.

There is a gigantic Nafka Mina because Rav Elchanan has the same Kler in Kesubos Siman Reish Yud Ches. There in context as I can't speak out the whole thing, he talks about if a person had insurance whether that means that the damager doesn't have to pay. He doesn't use the word Bituach which is the modern word for insurance, he uses the word Achrayos.

But he has this question. If a person has insurance, if he owes him an obligation of cash, if he owes him cash he has to pay him. If the obligation is to heal, the obligation is to heal. If he is getting healed with someone else paying for it then you are off the hook. A fascinating Rav Elchanan, a good beginning of discussion especially that Rav Elchanan there has the same question if you damage someone's car. Is your obligation to pay a cash payment or is your obligation to fix. The same Nafka Mina.

This actually happened to me many many summers ago. I was once in the Camp Agudah parking lot on visiting day and it was very tight. I scratched someone's car. I left him a note. He called me back. It had a scratch along the side of the car. I told him go fix it and send me the bill. He calls me a day or two later and he says you are off the hook. I said, why am I off the hook? He said well, my wife was pulling out past a stop sign and a car came and damaged the side of the car and the whole panel has to be replaced so we are not going to need the paint job. You don't have to pay me. I disagreed with him. I said what do you mean I owe you a cash payment for damaging your car. What is the difference if it gets fixed? He said no, why would you have to fix it. We had this argument and you know that I am a very humble man and I always give in. But this is exactly that Rav Elchanan. This is a Halacha thought for this week.

2 – Topic – A Thought from the Tchebiner Rav

A man has is obligated to take care of his wife in many ways, Sher, Kesus and Onah are the most famous. In this week's Parsha there are obligations which include feeding, clothing and taking care emotionally of one's wife. Sher, Kesus and Onah. It is a deal. You have to support her, pay for her food. Isn't it strange, why doesn't the Torah say if you marry you have to pay Sher, Kesus and Onah. It comes in sort of in an indirect way in middle of the Parsha talking about the Ama Ivri'ya 21:10 (אם-אֶחָרָתָּ, יָקָח-לוֹ--שְׂאֵרָה כְּסוּתָהּ וְעֹנָתָה, לֹא יִגָּרַע). It is mentioned incidentally. Why isn't it mentioned directly?

I would like to share with you a thought I saw once B'sheim the Tchebiner Rav. As you know, we write a Tenaim. The Tenaim we do before a wedding usually at the Chosson Tish comes originally from the original Shtar Tenaim. The father of the Chosson and Kallah sat down and they made financial arrangements as to how they would take care of their children. It was a real Shtar Tenaim. Over time it has become a form that we use and nevertheless that is the origin of a Shtar Tanaim. It is a business contract.

I mentioned once to you that Rav Elyashiv when he wrote a Kesuba he wrote Yerushalayim Yud, Reish Vav, Shin, Lamed, Ende Mem the way it is written in Chumash. When it came to Tenaim, he wrote Yerushalayim with a Yud. He said it is a

business contract.

At any rate, let me tell you the Tchebiner Rav's Vort. In the beginning of a Shtar Tena'im it starts (המגיד מראשית אחרית הוא) יתן שם טוב ושארית לדברי הברית והתנאים שנדברו והותנו בין הני שני (הצדדים). In other words, we start with a language of (יתן שם טוב) (שם טוב ושארית). What does that mean? (שם טוב ושארית) says that this couple should have the Zechus to have an eternity. They should have generations that go in the way Torah and they should be Zoche to a Sheim Tov, a good name (ושארית) and an eternity.

Why do we mention that? This is a business contract, why are we mentioning this language (המגיד מראשית אחרית). What does that have to do, (המגיד מראשית אחרית) talks to HKB"H predetermining the couple that they would get together. Why is it here?

So the Tchebiner Rav said on the contrary. One might think this is a money deal. People are getting married and they have money arrangements. They will treat it as financial arrangements. (ואל יבריהו ואל יעלימו לא זה מזו ולא זו מזה שום הברחה). (ממון בעולם). It is like two partners who are making a business deal. That is not good. A couple that gets married and they treat things like a business deal? That is terrible. When you think of business deals and partners, you don't deal properly between the two sides. We tell the Chosson and Kallah right away, (הוא יתן שם טוב ושארית). We are talking about eternity, we are talking about a bond, a connection that has to transcend the financial obligations. Someone can't or doesn't pay doesn't ruin the relationship. You don't break up over it. On the contrary, we don't want to talk about business just as business. So we start with the (שם טוב ושארית).

This Vort from the Tchebiner Rav could explain as well why Sher, Kesus and Onah is not mentioned in regards to marriage. It is a business arrangement. You got to support the wife. What if I can't support her or I don't have enough money? What about if we come on hard times? It is a business arrangement? No! We have to have an agreement, we have to have obligations to each other. In a couple if each person is looking to receive what he or she has to get that ruins the marriage. A person has to be looking at what he has to give, then it is a different relationship. A person has to look at his responsibilities.

I once told someone, you are worried about what you are supposed to get? Get is a dirty word when it comes to marriage. Therefore, Sher, Kesus and Onah doesn't belong in talking about marriage. It has to be mentioned so it is mentioned indirectly. This is the thought of the Tchebiner Rav L'gabay our Tenaim, and I think it fits well to explain as well the positioning of Sher, Kesus and Onah.

And so, one extraordinary Vort on (וְרָפָא יִרְפָּא), Rav Moshe and Rav Elchanan, and one beautiful Vort on Sher, Kesus and

Onah the marriage relationship. With that, I want to wish everybody an absolutely wonderful meaningful Shabbos. A Gutten Rosh Choidesh to one and all!

<https://jewishaction.com/religion/jewish-law/whats-the-truth-about-when-an-eved-ivri-goes-free> ISRAEL

What's the Truth about . . . When an Eved Ivri Goes Free? RABBI DR. ARI Z. ZIVOTOFISKY

Misconception: An eved Ivri (“Jewish servant”)¹ goes free in the shemittah year.

Fact: An eved Ivri works six full years and goes free at the start of his seventh year of servitude, unless a yovel year arrives first, in which case every eved Ivri goes free. The date of an eved Ivri’s release is calculated on an individual basis, and thus they are not all released at one time. The shemittah year has no relevance to the length of servitude.

Background: To the modern era, the notion of slavery is an anathema, and it may even be troubling to modern Jews that the Torah permits such an institution. Yet, in discussing the concepts of eved Ivri and amah Ivriyah (a “Hebrew maidservant”), the Torah is in essence taking what was an accepted and almost necessary institution and regulating it to make it more humane.

The laws of eved Ivri are discussed in various places in the Torah: Shemot 21:2–6 and 22:2, Vayikra 25:39–42, and Devarim 15:12–18. Based on the pesukim, Chazal (summarized in Rambam, Hilchot Avadim 1:1) explained that a Jew can become an eved Ivri to another Jew² in one of two ways:

1. If a Jew finds himself in abject poverty with no foreseeable way out, he may sell himself to another Jew (Vayikra 25:39).³
2. If a Jew steals and is unable to make restitution,⁴ the courts can sell him as an indentured servant as a means of his paying back what he stole.⁵

The Torah writes twice (Shemot 21:2 and Devarim 15:12) that an eved Ivri⁶ works for six years and goes free at the start of the seventh.⁷ To what “seventh” is it referring? In general, whenever the Torah gives a rule about six years and then a seventh year, the question can be asked if it is an independent count or linked to the fixed shemittah cycle. Thus, when the Torah (Devarim 15:1) instructs that after seven years debts are canceled, Rashi, quoting the Sifrei, observes that one might have thought that every loan has an independent seven-year life rather than all being linked to the uniform shemittah count. The Torah therefore revealed (Devarim 15:9) that all loans are uniformly released at the end of the standard shemittah cycle. Similarly, when describing the mitzvah of Hakhel (Devarim 31:10), the Torah says to count seven years. One might have thought to begin a count from that very date, the fortieth year

after the Exodus; therefore the Torah explicitly links it to the shemittah cycle (Sotah 41a).

In the Torah, the rules of eved Ivri follow immediately after the laws of debt forgiveness, which occurs at the end of shemittah, and the language used for the eved Ivri sounds similar to that used for the shemittah laws (Devarim 15:12): “. . . and he shall serve you six years and in the seventh year you are to send him free.” The Torah also states (Vayikra 25:40) that “until the yovel year shall he work with you.” Yovel is a fixed date and one that is linked to the shemittah cycle. It is thus understandable that one might entertain the possibility that an eved Ivri works until shemittah, the “standard” seventh year, and is then freed. Nonetheless, Jewish tradition is monolithic in its understanding that an eved Ivri has a count unrelated to shemittah and goes free after working six full years.⁸

The Mechilta (to Shemot 21:2) and the Yerushalmi (Kiddushin 1:2) state explicitly that the six years is from the date of sale and is not related to shemittah. The Bavli (Arachin 18b) further says that it is not calendar years, i.e., he does not go free when the seventh calendar year commences in Tishrei, but rather it is full years—he goes free after working six full years, on the same date that he started. Thus we see that Chazal anticipated that one might think otherwise and therefore explicitly clarified the matter. In the Sifrei (Re’eh 111–112 [on Devarim 15:1–2]) it states that shemittah does not release an eved Ivri but does cancel loans, and in Sifra (Behar 3:6 [27; on Vayikra 25:13]) it states that while you might have thought shemittah frees an eved Ivri, that is not so; the Torah emphasizes that yovel frees them, but shemittah does not.

The Rambam writes (Hilchot Avadim 2:2): “If [an eved Ivri] is sold by the beit din, he works six years⁹ from the date of sale, and at the beginning of his seventh year he becomes a free person.” The Rambam wants to make sure there is no misunderstanding and thus continues: “. . . if shemittah is one of those six, he works during shemittah.” Rambam may be emphasizing that the eved Ivri does not go free in shemittah in order to counter this potential misunderstanding, or he may be doing so to contrast it with the next halachah that yovel does set an eved Ivri free even if it is within the six years.

Centuries after this law was given at Sinai, it was reiterated when the prophet Yirmiyahu rebuked the Jews for reneging on a commitment to free their Hebrew servants and warned that they would be exiled as a result (Yirmiyahu 34:17–20).¹⁰ Yirmiyahu (34:14) reminds them: “At “miketz” of seven years, every man should free his Hebrew brother, who had been sold to you; and when he has served you six years, you shall let him go free from you. . . .” The second half of the verse clearly states the halachah as given in the Chumash; yet the first half might be interpreted as meaning after seven full years. Ibn

Ezra (long commentary to Shemot 21:2) is emphatic that both halves of the verse in Yirmiyahu accord with the accepted halachah. Regarding the seemingly problematic first half, he explains that “miketz” is a terminus, and everything has two termini. Thus, Ibn Ezra stresses, “miketz” in that verse means the starting terminus of the seventh year, not the ending terminus,¹¹ according perfectly with the second half and with the pasuk in Shemot that says he is set free in the seventh year, which Ibn Ezra (Devarim 15:18) emphasizes is the start of the seventh year. Unlike Ibn Ezra, the Gemara (Arachin 33a) understood “miketz” seven years to mean the end of the seventh year and interpreted that part of the pasuk to be referring to an eved Ivri who had his ear pierced and was working until yovel, which in this instance happened to coincide with the eighth year of his servitude.

In the Selichot (minhag Lita) for day four, the pizmon “choker hakol” (ca. early thirteenth century; ArtScroll, p. 148) argues that our exile should have ended long ago since G-d ordained that an eved Ivri works for six years, and many “six years” have passed and yet we are not free. Only an eved Ivri who loves his master stays longer, until yovel, but we have declared no such love for our foreign masters. And while a Jew who is enslaved by a non-Jew does not go free after six years, his relatives are enjoined to redeem him, so we appeal to G-d as our “relative” to redeem us.

Despite the agreed-upon understanding that an eved Ivri goes free after working six years and not in shemittah, the notion of freeing an eved Ivri in shemittah has crept into several sources. Targum Pseudo-Yonatan,¹² on the pasuk that states the law of eved Ivri, (Shemot 21:2) translates it as understood by Chazal, i.e., if a Jew is sold in order to repay a theft, he works for six years and goes free at the start of the seventh. Yet quite perplexingly, when translating the verse a mere few sentences later about a maidservant (Shemot 21:7), he says that one of the means of her acquiring her freedom is the shemittah year! Similarly, on Shemot 22:2, he says that a person sold by the beit din because of a theft works from the time of his theft until the shemittah year! In an approbation to a book about Targum Pseudo-Yonatan,¹³ Rabbi Shlomo Zalman Auerbach asserts that there is not even a hint in Shas that an eved goes free during the shemittah year, and objects to what he thought was the author trying to find support for this opinion. In a note in the introduction, the author denies having attempted to find support for that indefensible position, but he does note four other sources that seem to say an eved Ivri and/or an amah Ivriyah goes free in the shemittah year. He mentions the Zohar (vol. 3, 108), Sefer HaKaneh (vol. 2), Sefer Yere'im (286),¹⁴ and perhaps the most famous example, the twelfth-century Rabbi Joseph ben Isaac Bechor Shor of Orléans (Bechor Shor to Shemot 21:2 and 21:11). A student of Rabbeinu Tam, the

Bechor Shor wrote that since there is no plowing or planting or harvesting during shemittah, the master does not need so much help and should send the eved Ivri free. Rabbi Menachem Kasher (Torah Sheleimah, Shemot 21:2:70) adds to the list Chemdat HaYamim HaTeimani (p. 40b). However, Rabbi Kasher argues that except for the Bechor Shor, who unquestionably wrote contra the halachah, all the other sources could be interpreted as using the word “shemittah” to refer to the Hebrew servant’s seventh year. Regarding the Bechor Shor, Rabbi Kasher is left perplexed because while the Bechor Shor was known to try to stick to peshat, Rabbi Kasher says that even the most extreme purveyors of peshat interpretation do not understand this verse as referring to the shemittah year.¹⁵

The notion that canceling debts might be linked to freeing slaves finds an echo in ancient “clean slate” decrees in which a powerful ruler would declare that ancestral land sold under duress be returned to its original owner, anyone forced into servitude by debts liberated and debts canceled. There are numerous records of such “economic resets” in the ancient world. Possibly the most famous is the forgiving of debts and the release of prisoners in Egypt in 196 bce as described on the Rosetta Stone. These differ from shemittah/yovel in that they were at the whim of the ruler and thus unpredictable, while in the Torah’s system these events were scheduled and therefore predictable.

The institution of eved Ivri exists only in a time period when yovel is observed (Rambam, Hilchot Avadim 1:10) and has thus not been applicable for many centuries. Nonetheless, lessons, both specific and general, about how to relate to a worker can be gleaned from the laws of eved Ivri.

The Shulchan Aruch (CM 333:3) says that a worker may quit midday even if he has already been paid and no longer has the money to refund, in which case it is converted to a loan. The Shulchan Aruch then adds a proof text: “to Me the children of Israel are slaves” (Vayikra 25:55), understood to mean that Jews are slaves only to G-d, and a non-slave is always free to quit. The Rema then adds that for the same reason, a worker, even a teacher or a sofer, may not hire himself out to work in someone’s house for more than three years.¹⁶ According to some, the three years is derived from the pasuk describing an eved Ivri: “. . . for he has done double the work of a hired hand during the six years. . .” (Devarim 15:18), implying that the six years an eved ivri works is twice that of a regular worker (see Ibn Ezra and Chizkuni based on Yeshayahu 16:14; cf. Rashbam).

An eved Ivri must also be treated with respect and be well cared for. Some of the laws that reflect this are: an eved ivri may not be sold at auction so as not to embarrass him (Hilchot Avadim 1:5); he may not be given degrading work or open-

ended or frivolous assignments (1:6–7); he must be provided with food, drink and shelter that is commensurate with the master’s lifestyle (1:9); the eved Ivri’s wife and children must be provided for (3:1); and if the master has but one pillow he must give it to the eved Ivri (Tosafot, Kiddushin 20a, s.v. kol, citing Yerushalmi). These requirements led Chazal to declare that anyone who buys an eved Ivri is as if he bought a master for himself (Kiddushin 20a).

Notes 1. In this article the term eved ivri will be used rather than “Jewish slave/servant.” An eved Ivri is a Jew who is “owned” in a very limited sense by another Jew as a sort of “servant.” However, his conditions are more akin to a long-term employee than to a slave and do not compare to those of slaves in nineteenth-century United States or enslaved people in many parts of the world today (even if the term slave is not used regarding them). Vayikra 25:39–40 mandates regarding an eved Ivri: “. . . you shall not work him with slave labor. Like a hired laborer or a resident shall he be with you.” His situation is so similar to an employee that Chatam Sofer (5:CM:172) needed to point out the differences when discussing the rules of an employee backing out of a job.

2. An eved Ivri is a Jew working for another Jew. The rules governing a Jew “owned” by a non-Jew (in a society where Jewish law is followed) and those governing an eved Kena’ani, a non-Jewish slave owned by a Jew, are different and not discussed in this article.

3. The Rambam (Hilchot Avadim 1:1) permits a Jew to sell himself only if he is in abject poverty to the degree that he cannot even afford food. Only such truly dismal circumstances warrant a Jew selling himself to another. If a person sells himself despite not being allowed to do so, Tosefta (Arachin 5:8) says the sale takes effect, while Minchat Chinuch (mitzvah 42:17) opines that the sale is void.

4. Note that a thief is only sold if he lacks the means to pay the value of the stolen item. If he can pay the principal but not the additional penalty (either double or four or five times the principal), he is not sold (Kiddushin 18a—regarding double, Rambam, Hilchot Geneivah 3:2—regarding four or five; Torah Temimah, Shemot 22:2:16 suggests a source for the Rambam).

5. The many halachic differences between these two are enumerated by the Rambam (Hilchot Avadim 3:12). For example, the beit din always sells for six years, while a person who sells himself can do so for more, or, according to the Ritva (Kiddushin 14b), also for less; one sold by the beit din is given a “grant” (ma’anak) upon being freed, while one who sells himself is not; the owner can give him a non-Jewish maidservant as a “wife” if he is sold by the beit din but not if he sells himself; and one sold by the beit din can extend his servitude until yovel by the ear piercing ceremony, while one who sold himself has no such option.

6. Or an amah Ivriyah. A woman is not sold due to theft, but a minor girl can be sold by her destitute father, for a maximum of six years.

7. The Netziv (Shemot 21:2) points out that from the word “chinam” we learn that unlike in other relationships, such as marriage or an eved Kena’ani, an eved Ivri goes free automatically without a need for a get (separation document). The notion of a slave working a fixed number of years was not unheard of in the ancient world. The eighteenth-century-bce Code of Hammurabi (see J.B. Pritchard, *Ancient Near Eastern Texts* [New Jersey, 1955], pp.163–177; law 117) specified that if a man in debt sold his wife, son or daughter, they worked for three years and were freed in the fourth year.

8. In a link between shemittah and eved Ivri, the Gemara (Kiddushin 20a) quotes Rabbi Yose ben Chanina as teaching that the true cause of a Jew ending up as an eved Ivri is from transgressing the prohibition of engaging in commerce with shemittah.

9. The Midrash (Shemot Rabbah 30:15) has G-d saying that in parallel to His creating the world in six days and resting on the seventh, so too an eved Ivri works for six years and rests on the seventh.

10. Korban Ha’edah (Yerushalmi, Rosh Hashanah 3:5) says that the Jews were redeemed from Egypt in the merit of not enslaving a fellow Jew.

11. Metzudat David (Yirmiyahu 34:14) says similarly. Ibn Ezra notes the ambiguity of “miketz” and which terminus it refers to in Bamidbar 13:25 and Devarim 9:11. He states his position that it means the beginning in Devarim 14:28 and 15:1 (against Chazal in Arachin 28b); and Devarim 31:10 (against Chazal in Sotah 41a and Rosh Hashanah 12b). Rashi (Bereishit 41:1) disagrees with Ibn Ezra and says that “(mi)ketz” always means “end.” Mizrachi and Gur Aryeh explain that Rashi believes that “katze” can refer to beginning or end, but (mi)ketz always refers to the end.

12. Targum Pseudo-Yonatan on Chumash was not written by Yonatan ben Uziel (see Megillah 3a, stating that he wrote only on Navi). There are other places where his perush is different from Chazal’s interpretation; for example, on Bamidbar 19:17, his limiting that halachah to an earthenware vessel contradicts a mishnah (Parah 5:5).

13. Kalman Azriel Pinski, *Nosei Klei Yehonatan*, 3rd ed., 5765.

14. The Sefer Yere’im seems to be self-contradictory, as in 271 he says explicitly that an eved Ivri does not go free in shemittah.

15. Nahum Sarna takes a clearly non-traditional approach in “Zedekiah’s Emancipation of Slaves and the Sabbatical Year,” in *Orient and Occident: Essays presented to Cyrus H. Gordon*

on the Occasion of his Sixty-fifth Birthday, edited by Harry A. Hoffner, Jr. (1973).

16. See Chavot Ya'ir 140, Shevut Yaakov 1:6 and C

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Jewish Judges and Police

By Rabbi Yirmiyohu Kaganoff

Question #1: Beis din

What is the role of beis din in Jewish life?

Question #2: Police protection

In a community that is run completely according to halacha, who is in charge of appointing and overseeing the police force?

Introduction:

Parshas Mishpatim is the primary parsha regarding halachic civil law, and Parshas Shoftim begins with a mitzvah to appoint shoftim, judges, or as we usually call them dayanim (singular dayan), and shoterim (singular shoteir), enforcement officers, bailiffs or police. The Torah states that you must appoint judges and police in all your "gates," meaning in all your cities.

Rashi quotes the passage of Gemara (Sanhedrin 16b) that there is a requirement min haTorah to appoint judges in every city and for every tribe. We need to clarify a point: If a beis din is appointed for every city, what is added by appointing a beis din for every sheivet?

The rishonim already address this issue. According to Tosafos (Sanhedrin 16b s.v. Shoftim), the Gemara is teaching that if the border separating two shevatim divides a city between them, the two sections should each have its own beis din. The Rambam (beginning of parshas Shoftim) mentions this approach, and then suggests a different way to understand the Gemara: Each sheivet has a beis din with jurisdiction over the entire sheivet, greater responsibility and authority than has a city's beis din, whose authority is limited to the city's borders. Thus, although a city's beis din can force anyone who lives in its city to follow their directives or to appear before them for litigation, they cannot obligate someone who lives outside their city to appear before them or to follow their orders. A sheivet's beis din has the ability to force any member of that sheivet to appear before them for litigation. It also has the ability to create a gezeirah that is binding on the entire sheivet.

23 Judges!

The Rambam (Hilchos Sanhedrin 1:1, 3) rules that each city and region in Eretz Yisroel has its own beis din of 23 judges, and that smaller towns and villages have a beis din of three dayanim (Hilchos Sanhedrin 1:4). The Lechem Mishneh (1:1) explains that the Rambam uses the word "region" to mean the same thing that we have been calling sheivet, and also explains why the Rambam changes the term.

The Rambam elaborates on all the different batei din that must be created. There was a chamber in the Beis Hamikdash called the lishkas hagazis, which was the meeting place of the main beis din of Klal Yisroel, the Sanhedrin, also called the Beis Din Hagadol, which consisted of 71 judges. There was a second, smaller beis din of 23 dayanim that was located near the entrance to the Beis Hamikdash, and a third beis din, also of 23 dayanim, that was located near the

entrance to the Har Habayis.

The authority of the Sanhedrin

The Sanhedrin has much authority and many roles to play. It is the final court of halachic appeals, and the final decider of halacha. Its interpretation of Torah sheba'al peh is authoritative. Any halachic issue that is uncertain or disputed by a lower beis din could eventually be referred to the Beis Din HaGadol for a binding decision.

When the Sanhedrin exists, the Jewish calendar is determined by a small beis din appointed especially for this purpose by the nasi, the head of the Sanhedrin.

All the other batei din mentioned above -- the smaller ones on the Har Habayis and at the entrance to the Beis Hamikdash, and the batei din of the shevatim and the cities -- are appointed by the Sanhedrin.

The Sanhedrin also fulfills several political and administrative roles. It appoints the king of the Jewish people. Many other halachos require the participation or agreement of the Sanhedrin, including a decision whether to wage war and to expand the halachic boundaries of the Beis Hamikdash or of Yerushalayim (Mishnah Shevuos 14a; Rambam, Hilchos Sanhedrin 5:1). Thus, the Sanhedrin is not only the supreme halachic authority, but it is also quite literally the "power behind the throne," "the power behind the courts," and, at the same time, the court of final appeal. It has the final say in all matters, both temporal and spiritual.

Who can be a judge?

There are many technical requirements that all members must meet, among them that they must all be superior talmidei chachomim and yirei shamayim (G-d fearing individuals), wise, perceptive, analytic, humble, truth-loving, personable, of good reputation and possess a basic knowledge of many secular areas, such as medicine and astronomy (Rambam, Hilchos Sanhedrin 2:1, 7). The Rambam (Hilchos Sanhedrin 2:8) describes how the Sanhedrin would send representatives to locate qualified dayanim and appoint them to their local beis din. As places on the higher batei din opened, they would promote local dayanim up the chain to the next tier, and so on. The Rambam also emphasizes the importance of appointing appropriately qualified people to be dayanim, and the catastrophe that results from appointing those who are unqualified or inappropriate (Hilchos Sanhedrin 3:8).

Semicha

All members of the Sanhedrin and, indeed, of all the lower courts must also receive the special semicha that Moshe bestowed upon Yehoshua authorizing him to rule on all areas of Jewish law. This special semicha, which existed from the time of Moshe Rabbeinu until sometime during the era of the Gemara, authorized the recipient to rule on capital and corporal cases (chayavei misas beis din and malkus) and to judge cases involving kenasos, penalties that the Torah invoked. Only a beis din consisting exclusively of dayanim ordained with this semicha may judge these areas of halacha (Rambam, Hilchos Sanhedrin 4:1).

In today's world, there are several levels of semicha, all of them of a lower level than that granted by Moshe Rabbeinu. The most basic semicha, yoreh yoreh, authorizes the recipient to rule on matters of kashrus and similar areas. A more advanced level of semicha called yodin yodin authorizes its recipient to rule as a dayan on financial

matters. A higher level, no longer obtainable today, is called yatir bechoros and authorizes its recipient to rule on whether a first-born animal is blemished and no longer acceptable as a korban, which permits the animal to be shechted for its meat (see Sanhedrin 5a).

The role of a local beis din

The local beis din's responsibility in a community is also quite multifaceted. They are not only the judicial branch of the government, charged with ruling on local dinei Torah and interpreting the halachos for local practice, but they are also the executive, or administrative, branch of government, responsible to supervise that the community and its individuals observe halacha fully and correctly. In this capacity, they are responsible to make sure that the weights and measures in the marketplace are honest (Rambam, Hilchos Sanhedrin 1:1) and that the prices charged by stores do not exceed what halacha permits. The local beis din is responsible to make sure that no one overcharges for staple products (ibid.; Shulchan Aruch, Choshen Mishpat 231:20).

Overseeing that the community observes halacha correctly is also a responsibility of the beis din. For example, the Rambam and Shulchan Aruch rule that beis din supervises that yomim tovim do not become the cause for inappropriate social activities. This includes assigning police to patrol parks and other relaxing areas to maintain proper standards of public conduct (Rambam, Hilchos Yom Tov 6:21, Shulchan Aruch Orach Chayim 529:4). Beis din is responsible to make sure that duchening was performed only by kosher kohanim (Kesubos 25a). It is their job to make sure that no one works on chol hamoed in violation of the halacha (Rambam, Hilchos Yom Tov 7:4), that people keep their pledges to tzedakah (Rosh Hashanah 6a), that graves and other tamei meis areas are properly marked, and that people do not plant or maintain kelayim (Rambam, Hilchos Yom Tov 7:11).

The beis din assumes responsibility to protect individuals who cannot oversee their businesses or properties, such as, someone who fled to avoid danger, was kidnapped or captured. Beis din will appoint someone to manage the individual's properties and businesses (Shulchan Aruch Choshen Mishpat 285:2). They are also responsible to see that the properties of orphaned minors are properly managed (for example, see Shulchan Aruch Even Ha'ezer, 112:11).

Included in this responsibility is that, if a father cannot or does not give his son a bris milah, the beis din makes sure that the mitzvah is performed (Kiddushin 29a; Shulchan Aruch Yoreh Deah 261:1).

Smaller batei din

In addition to the officially appointed batei din, in earlier generations there were local batei din, appointed by a community to oversee its own matters. For example, the kohanim had their own batei din, who were authorized to make rules and new takanos that applied only to the kohanim (see Pesachim 90b; Kesubos 12a).

Chutz la'aretz

The Ramban (beginning of Parshas Shoftim) notes that the posuk implies that there is no requirement min haTorah to establish a beis din outside of Eretz Yisroel. This is because the Torah requires appointing judges and bailiffs in your gates, which means the gates of Jewish cities in Eretz Yisroel. However, the Ramban notes that the Gemara (Makkos 7a) rules that once Klal Yisroel arrives in and settles Eretz Yisroel, there is an obligation min haTorah to have a

beis din in chutz la'aretz also, although not in every city, but only in "districts."

Min haTorah or not?

The Ramban concludes that establishing batei din outside Eretz Yisroel is required min haTorah only when there are dayanim who have achieved the highest level of semicha, that which is a continuation of what Moshe Rabbeinu conferred on Yehoshua. As I mentioned above, this semicha was discontinued during the era of the Gemara. There have been several attempts to reestablish this semicha, the most famous of which was when the Mahari Beirav was the rav of Tzfas, and Rav Yosef Karo was a member of his beis din. However, none of these attempts succeeded. The Ramban concludes that, although we no longer have a Torah obligation to establish batei din in chutz la'aretz, there is a rabbinic requirement to do so.

How do we litigate?

Over the years, I have been asked many questions about the way batei din operate. Most of these questions stem from a misunderstanding of legal procedures in general, or from a lack of knowledge about how a beis din functions.

Here is a typical example, lifted from my records. The din Torah was the result of a business partnership that had soured. I received the following e-mail communication: "I have asked Mr. F. to tell me what he is claiming. He has not responded, but has clammed up about his claim. He knows what I am claiming and he said that I have to sign an arbitration agreement in beis din and only then will he present what he is claiming from me. I am asking if this is just -- he knows what I am claiming but what he is claiming will be a surprise."

I answered: "Mr. F. is under no obligation to reveal to you what he feels you owe him, without an agreement that the two of you will go to binding arbitration in beis din. Telling him the basis of your claims does not require him to reveal any information. If you feel that you can disprove his claims, you should tell that to the beis din, and you have a right to postpone the proceedings to allow you the time to present your proofs.

In the interim, you can agree to go to beis din, or you can suggest that the two of you discuss the matter in the presence of a disinterested party in the hope of negotiating some type of settlement. However, he is under no obligation to agree to this. If you receive a summons to beis din, you are required to respond."

By the way, when choosing to go to a beis din, the almost-universal tendency is to find a beis din where I will "win" my case. However, the mitzvah specifies that you should go to the beis din that is most expert (Sanhedrin 32a). The Gemara implies that this is a mitzvah min haTorah, derived from the words in Parshas Shoftim, tzedek tzedek tirdof, which the Gemara explains to mean haleich achar beis din yafeh, "find the most expert beis din" to litigate your case, so that it is resolved correctly.

Turf wars

What do you do if the other party insists that you go to their choice of beis din?

I mentioned earlier that the Ramban explains that the dayanim of a sheivet have greater jurisdiction than do those of a city, who cannot force someone from outside their city to come before them for litigation. A sheivet's beis din has the ability to force anyone in their

sheivet to come to them for litigation. The same authority applies to a city's beis din relative to a city's inhabitants. Therefore, if our beis din system were able to work the way the Torah designed it, the official dayanim of a city would be able to require litigants to appear before them.

Because the countries in which we live will not compel halachic observance, we cannot legally coerce someone to appear before an official city beis din. But an observant Jew knows that he must appear before beis din when summoned.

The person being sued (the defendant) is usually assumed to have the right to choose which beis din will hear the case, as long as it is in his city of residence. However, this is not ironclad. If the defendant chooses a beis din that will be more expensive for the claimant, or he is trying simply to inconvenience the claimant, there is no right to choose this option over a more-convenient, less-expensive choice. If the defendant visits or does business in the city where the claimant lives, and the claimant rarely travels to the defendant's city, the beis din in the claimant's city can demand to judge the case (Shu"t Maharshdam #103; Shu"t Igros Moshe, Choshen Mishpat 1:5; Shu"t Yabia Omer 7:Choshen Mishpat:4). Under these circumstances, a proper beis din will ignore the defendant's request for choice of venue, and should he not respond to his summons, rule him a lo tzayis dina, someone who does not obey the laws of the Torah, which has many ramifications (Aruch Hashulchan, Choshen Mishpat 26:2, 5; Shu"t Imrei Yosher #38).

Conclusion

A Torah Jew must realize that Hashem's Torah is all-encompassing, and that every aspect of his life is governed by Torah law. A Jew hopes to manage his business relationships without ever resorting to litigation. If there is an unfortunate "misunderstanding," the two parties should discuss the matter and, if the matter remains unresolved, they should try discussing it with the guidance of a third party, possibly a rav. However, should all these approaches not succeed, the avenue of halachic litigation exists. .

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For the week ending 10 February 2024 / 1 Adar Alef 578

Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

Parshat Mishpatim

Stand and Be Counted

"Do not be a follower of the majority for evil" (23:2)

Apparently, at the end of the Second World War, a group of non-Jewish British intellectuals decided to convert and become Jewish. Basically, their rationale was, if you're not part of the solution, you will become part of the problem. They saw how Germany, arguably the most civilized country in Europe, had descended into unparalleled barbarity in just a few short years, and so they converted and became part of the Jewish People.

In last week's Torah portion, Rashi comments on the opening verse, "And Yitro heard..." - "What did he hear that made him come? The splitting of the sea and the War of Amalek." Why, of all the great

miracles that the Jewish People experienced, should these two specific events have inspired Yitro to convert?

Amalek is the nation whose implacable hatred of the Jews is without reason. It is instinctive and visceral. Antisemitism is as normal to Amalek as breathing or eating. But not everyone comes from the seed of Amalek. There will always be those in the middle.

Yitro saw that if a person doesn't act on inspiration, not only does that inspiration wane and falter but it rots and becomes the opposite: revulsion. He understood that if he did not act on the inspiration of the unbelievable miracle of the splitting of the sea, he too would eventually become like Amalek, a Jew-hater.

Anyone with an eye or an ear for current events will be struck by the supreme irony of the accusation by South Africa that Israel is committing acts of genocide. The concept of Genocide was coined by a Jewish lawyer, Raphael Lemkin, to describe the Nazi atrocities. Alone among the 17 judges who deliberated on interim measures in the case concerning the Application of the Genocide Convention in the Gaza Strip (South Africa v. Israel), Julia Sebutinde, of Uganda, voted against all proposed provisional measures. In her dissenting view, she argued the absence of a credible indication of genocidal intent by Israel. Genocide is the intention to obliterate a nation, not the ghastly concomitant casualties of an urban war, where civilians are used as human shields by cynical state terrorists.

And what about the other 17 judges?

"Do not be a follower of the majority for evil."

The Jewish People may not have many friends, but it warms the heart when someone stands up like Yitro and wants to be counted with us.

*Source: Chochmat HaMatzpun

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from: Office of the Chief Rabbi <info@chiefrabbi.org>

date: Feb 7, 2024, 8:58 AM

subject: You may be far more religious than you think. D'var Torah for Parshat Mishpatim.

Chief Rabbi Ephraim Mirvis

chiefrabbi.org

Office of the Chief Rabbi

Parshat Mishpatim: You may be far more religious than you think.

7 February 2024

"I am not religious, but I try to be a very good person".

It is quite amazing how many people have given that sentiment to me about themselves.

But I have a message for them.

They might think that they are not religious and indeed they are not totally religious, but they are far more religious than they think.

And why do I say that?

Well, it all goes back to a single letter at the beginning of the portion of Mishpatim.

'V'ele hamishpatim asher tasim lifneiheim' – and these are the ordinances that you must place before the people.

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

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

And why is that the case?

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

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

beings.

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

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

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

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

It’s not really the case.

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

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

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

And secondly, why not try the rest?

Be fully religious and I promise, you will discover that it will be absolutely life changing.

You will have a pathway towards happy, fulfilling, and meaningful living.

Shabbat shalom.

Rabbi Mirvis is the Chief Rabbi of the United Kingdom. He was formerly Chief Rabbi of Ireland.

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Parsha Parables By Rabbi Mordechai Kamenetz

Drasha Parshas Mishpatim - Facing the Enemy

Rabbi Mordechai Kamenetzky

Receiving the Ten Commandments may have been the pinnacle of the Jewish experience, but by no means did Judaism end there. In this week’s portion the Torah details a myriad of pecuniary laws, which include torts and damage law, as well as the laws of physical injury and impairment compensation. A nation that has just emerged from a brutal enslavement surely needs a strict code to discipline their freedom. But what bothers me is the order of the laws that are given this week. The first commandments, in a set of more than 50 intricate laws detailing almost every aspect of life’s complexities, concern the laws of servitude. Parshas Mishpatim begins with the words, “when you will acquire a Jewish servant, he shall serve six years and on the seventh he shall go free.” (Exodus 16-1)

It is astounding. The Jews just spent the last 210 years as slaves. Why would they even entertain thoughts of taking servants? Shouldn’t the first laws dictate compassion for other humans, thus enforcing total equality of an entire, newly liberated nation? Of all the laws dictated to a newly liberated people, shouldn’t the concepts of masters and servants be loath to them? Why are those laws given first?

Shalom had never left the small hamlet in Yemen and finally was sent a ticket to Israel by his cousin Moshe. The airplane ride, his first experience with any technology, was absolutely frightening. Not only was it the first time he had seen an airplane, it was the first time he had even seen steps! Upon his arrival at Ben-Gurion airport, the mad rush of taxis truly terrified Shalom, but his cousin Moshe, who lived on a small settlement not far from the Lod train station, eased his fears by sending a driver to pick Shalom up from the airport.

The driver dropped off the dazed immigrant near the train station and gave him directions to the farm. “Walk beside the train tracks for about a mile. You can’t miss it,” he exclaimed. Shalom, who had never seen train tracks in his life and had never even seen a train, chose to walk right between the two

iron tracks. After about five minutes he saw a giant machine bearing down directly upon him.

“Toot toot!” the train whistled. The conductor waved frantically at Shalom as he tried to stop the mammoth machine. Shalom froze as he stood aghast at this marvelous site. “Toot toot!” went the whistle once more. The train could not stop! At the last moment, Shalom quickly jumped out of the way and the train hurtled by, missing him by a hair. Shalom was thrown by the rush of air that accompanied the speeding train. As he picked himself up, all he could see was a enormous black beast fleeing down the track, mocking him with a shrill, “toot toot.”

Bruised and shaken he hobbled the rest of the way along the tracks until he arrived at his cousin’s farm.

Moshe saw his cousin, Shalom and could not have imagined what happened to him. But Moshe figured, there was time to talk over a glass of hot tea. He put up a shiny black kettle to boil on the stove, but no sooner had the kettle began to whistle when poor Shalom jumped from his chair and began to shout. He grabbed a broom that stood in the corner of the kitchen and swung wildly at the whistling teapot smashing it with all his might.

“Believe me,” he yelled, “I know! You have to destroy these monsters while they are still young!”

The Torah understood the Jewish nation’s feelings toward its own experience. Slavery is loathsome and reprehensible. The impact of that experience could have shaped an unhealthy attitude toward servitude even in a humane and benevolent environment. Therefore the Torah immediately directed its very humanitarian laws of servitude — clearly and openly. Six years of service and no more. A servant can never be humiliated or degraded. In fact, the rules of Jewish servitude are so humane that the Talmud surmises that “whoever owns a servant has actually acquired a master. If there is only one pillow in the home — the master must to give it to his servant!”

So instead of shirking from the difficult task of detailing the laws of servitude or pushing them to a back-burner, the Torah discusses those laws first — without any apologies.

Because in an imperfect world there are imperfect situations. People steal. They owe money. They must work for others to pay off debt or money they have swindled. But when the problems and injustices of life are dealt with in a Torah way, the imperfect world can get a little closer to perfection.

Good Shabbos!

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