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INTERNET PARSHA SHEET ON MISHPATIM - 5784

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

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

By: Rabbi Moshe Taragin

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

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

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

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

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

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

Inner Voice

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

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

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

Failed Experiments

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

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

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

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

Western Liberalism

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

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

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

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

date: Feb 12, 2026, 1:22 AM

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

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

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

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

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

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

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Parshas Mishpatim February 12, 2026 (5786)

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

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

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

There are two other places in Chumash where the Torah discusses an eved Ivri. One is in Parshas Behar and the other is in Parshas Re’eh. There is a distinct difference between the way the eved Ivri is described in the parshios of Behar and Re’eh and the way he is described here in Mishpatim.

In Behar (Vayikra 25:39), the pasuk says “If your brother becomes impoverished with you and is sold to you, you shall not work with him slave labor.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Meaning of "Before Them"

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

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

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

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

2. Three Kinds of Law

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

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

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

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

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

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

3. Action and Intention

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

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

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

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

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

4. Faith and Reason

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

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

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

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

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

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

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

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

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

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

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

Mishpatim: Our Greatest Moment

By Rabbi Asher Brander

Feb 09, 2010

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

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

But the Jews said yes.

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

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

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

The pashtan (textual analyst of Torah) might balk. Is it really true that the Jews had no clue? Na'aseh v'nishma appears in chapter 24 while the Aseret HaDibrot (Ten Commandments) are in chapter 20, followed by the myriad, complex and detailed laws of Mishpatim; statutes that encompass major Talmudic tractates 2 and a veritable lifetime of learning. Thus, as Moshe ascends the mountain for a forty day rendezvous with the Almighty and Bnei Yisrael are "preparing" for the Sinai Revelation, surely they had more than a ta'am, a taste of the Torah's massive scope?!

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

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

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

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

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

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

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

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

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

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

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

Rabbi Weinreb's Parsha Column, Mishpatim

Rabbi Dr. Tzvi Hersh Weinreb

"Truth Be Told"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Parshas Mishpatim

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

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

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

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

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

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

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

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

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

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

What's better - Chumash or Shulchan Aruch?

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

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

Introduction

In last week's shiur, we began our discussion of how the laws in Chumash are presented in groups (or 'units'). For example, in Parshat Yitro, we saw how the first 'ten' Commandments were given as part of Ma'amad Har Sinai.

Afterward, we identified the next 'unit' of mitzvot - which we referred to as the 'ko tomar' unit, beginning in 20:19, and continuing until the end of chapter 23 (which comprises most of Parshat Mishpatim). Later on in Chumash we will find many additional 'units' of mitzvot, embedded within its various narratives.

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

Subdividing the Unit

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

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

Let's explain.

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

Similarly, at the end of this unit, we find another set of laws that are "bein adam la'makom" - explaining how we are expected to worship God on the three pilgrimage agricultural holidays (the "shalosh regalim" / see 23:13-19). [We consider these psukim the last set of laws, for immediately afterward (i.e. from 23:20 till the end of chapter 23) we find several conditional promises that God makes concerning how He will help Bnei Yisrael conquer the land, but the law section of this unit definitely ends with 23:19.]

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

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

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

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

With this in mind, let's examine the internal structure of the "bein adam l'chavero" laws, that begin with the Mishpatim in 23:1 thru [23:12](#). As we will now show, this 'middle section' of civil laws will divide very neatly into two basic categories.

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

THE MISHPATIM - CASE LAWS

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

PESUKIM	TOPIC
21:12-27	A person killing or injuring another [assault]
21:28-32	A person's property killing or injuring another person
21:33-36	A person's property damaging property of others
21:37-22:3	A person stealing from another
22:4-5	Property damage to others caused by grazing or fire

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

The 'Key' Word

As you most probably noticed, the 'key word' in this section is 'ki' [pun intended], which implies if or when. Note how most of the parshiot from 21:1-22:18 begin with the word 'ki' [or 'im' / if/ when] and even when it is not written, it is implicit. In other words, each of these 'mishpatim' begins with a certain case [if...] and is followed by the ruling [then...]. For example: If a man hits his servant then... (see 21:20); If an ox gores a man... then the ox must be stoned (21:28).

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

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

As our above table shows, this section of 'case-laws' (beginning with the word "ki") continues all the way until 22:16; after which we find an interesting transition. Note, that beginning with 22:17, we find three laws, written in a more imperative form, that do not begin with a specific 'case': "A sorceress shall not be left alive. Anyone lying with an animal shall be killed, and one who sacrifices to [other] gods shall be excommunicated..." (see 22:17-19).

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

These three cases are also quite different from the case-laws above, for they also fall under the category of "bein adam lamakom" [between God & man]. Most significant is the third instruction - "zoveyach la'elokim yo'cho'ram - bilti l'Hashem l'vado" - one who sacrifices to [other] gods shall be excommunicated..." - where once again we find a law concerning 'how to (or not to) worship God' - just as we find in the opening and closing sections that envelope these civil laws.

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

Let's explain:

The Ethical Laws

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

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

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

Note as well how this imperative format continues all the way until 23:10.

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

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

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

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

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

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

"You shall not mistreat any widow or orphan. If you do mistreat them, I will heed their outcry..." "When you lend money... if you take his garment as a pledge, you must return it by sunset... for if you don't, when he calls out to me, surely, I will hear his cry..." (see 22:20-26). In contrast to the previous section (see 20:12 thru 22:16), where the court enforced the punishment - this section begins with a set of laws where God Himself threatens to enact punishment! As the court system cannot 'force' every member of society to

treat the poor and needy with kindness, God Himself promises to 'intervene' should the 'less privileged' be mistreated.

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

Being a 'Good Citizen'

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

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

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

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

Similarly, the next law:

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

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

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

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

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

Acting Like a 'Mensch'

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

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

Even though the opening statement - to be holy men- is quite vague; the fuller meaning of this commandment is detailed in Parshat Kedoshim (see Vayikra chapter 19). A quick glance of that chapter immediately points once again to the need to act in an ethical manner in all walks of life. [Note the numerous parallels between Vayikra chapter 19 and Shemot 22:20-33:10!] The commandment 'not to eat the flesh of a torn animal' can be understood as an application of how to 'be holy', implying to act like a 'mensch', and not like gluten who would devour (like a dog) the meat of animal found dead in field.

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

A Higher Ethic

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

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

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

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

Returning a lost animal, even that of your enemy, to its owner ('hashavat aveida') (see 23:4); Helping your neighbor's animal (again, even your enemy) with its load ('azov ta'azov imo') (see 23:5); The Torah does not simply command us to return a lost item, it describes an extreme case, where one must go out of his way to be 'extra nice' to a person whom he despises. What may be considered 'exemplary behavior' in a regular society - becomes required behavior for a nation who represents God.

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

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

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

Shabbat & the Holidays

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

'Shmita' - leaving the fields fallow every seven years; 'Shabbat' - resting one day out of every seven days; 'Shalosh Regalim' - the three agricultural holidays:

- 'Chag HaMatzot' - seven days eating matza
- 'Chag HaKatzir' - wheat harvest (seven weeks later)
- 'Chag HaAsif' - produce harvest (seven days). (23:10-19)

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

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

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

A 'Double' Sandwich - Tzedakah & Mishpat

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

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

* TOP	Laws re: idol worship and the 'mizbeach' (20:19-20:23) [i.e. how to
LAYER 1	# The civil laws - 'case' laws for "bet-din" (21:1-22:16) i.e. laws th

* **BUFFER** short set of laws "bein adam lamakom" (22:17-19)
 LAYER 2 # The ethical laws -individual behavior (22:20-23:12) i.e. laws that properly worship God
 * **BOTTOM** Laws of the three pilgrimage holidays (23:13-19) [again, how to properly worship God]

In other words, the few mitzvot that relate to how we are supposed to worship God (*) 'envelope' the numerous mitzvot that explain how God expects that we act (#). However, those mitzvot that govern our behavior also divide into two distinct groups. The first group (or layer) focuses on laws of justice that must be enforced by the court system - i.e. MISHPAT; while the second group focuses on ethical behavior - i.e. TZEDAKAH or righteous behavior.

Back to Avraham Avinu!

If you remember our shiurim on Sefer Breishit, this double layered structure - highlighting elements of both TZEDAKA & MISHPAT - should not surprise us. After all, God had chosen Avraham Avinu for this very purpose: "For Avraham shall surely become a great and mighty nation, and a blessing for all the nations of the earth. For I have known him IN ORDER that he may command his children and his household after him, that they may keep the way of God to do TZEDAKAH & MISHPAT [righteousness and justice]..." (see Breishit 18:18-19, compare Breishit 12:1-3)

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

An Educational Progression

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

1) The Fear of Man

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

2) The Fear of God

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

3) Love for one's Fellow Man

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

4) The Love of God

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

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

One Last Promise

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

"Behold, I am sending a mal'ach before you, to guide you and bring you to ... the Promised Land. For My mal'ach will lead you and bring you to [the land of] the Amorites, Hittites, etc." (23:20-23). [See also 23:27-31!]

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

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

Back to Brit Sinai

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

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

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

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

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

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

Mishpatim Aliyah Summary

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

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

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

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

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

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

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

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

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

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Rabbi Chaim Jachter

Shehiya

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

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

Ashkenazic Practice

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

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

Sephardic Practice

Rav Mordechai Eliyahu (Teshuvot Ma'amar Mordechai 254:7) understands the Shulchan Aruch (Orach Chaim 253:1) to be ruling as the Rif, Rambam, and Ramban, who follow the Chachamim. Indeed, the Shulchan Aruch presents Chananiah only as the secondary view.

Surprisingly, though, Yalkut Yosef (Orach Chaim 253:1) writes that Sepharadim customarily follow Chananiah. He believes that the Shulchan Aruch in Orach Chaim 254:4 changes his mind and codifies Chananiah. He concedes, though, that it is best also to have the food on a Blech to satisfy the stricter view.

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

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

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

Kidrah Chaita

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

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

Rav Yosef Dov Soloveitchik (cited by Rav Hershel Schachter, *Nefesh HaRav* pp. 156-157) agrees. However, Rav Moshe Feinstein (cited by Rav Shimon Eider, *Halachos of Shabbos*, p. 336, note 783), Dayan Yaakov Yechezkel Posen (*Kitzur Hilchot Shabbat*, p. 51-52), and Rav Pinchas Teitz (reported by his son Rav Elazar Mayer Teitz) believe that we still may rely on the Kidrah Chaita. Rav Schachter (*The Laws of Cooking and Warming Food on Shabbat*, p. 184) and Rav Willig (*The Laws of Cooking and Warming Food on Shabbat*, p. 126) follow the stricter approach. However, Rav Simcha Bunim Cohen (*the Shabbos Kitchen*, p. 56) and Rav Mordechai Willig (“*The Laws of Cooking and Warming Food on Shabbat*, p. 126) believe that the Kidra Chaita rule has reemerged with the advent of the crockpot. Since crockpots cook their contents slowly, the Kidra Chaita rule has reemerged as relevant regarding them.

Conclusion

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

Postscript – Placing Water in the Urns Long Before Shabbat

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Shabbat Shalom,

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