

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI DOV KRAMER

Taking a Closer Look

“**A**nd one who curses his father and (or) his mother shall be put to death” (Shemos 21:17). The Talmud (Sanhedrin 66a), working with the assumption that, aside from telling us the punishment for a transgression, there must be an independent prohibition telling us that it is forbidden, asks where the prohibition against cursing a parent is stated. The Talmud’s conclusion is that it is learned from a combination of three other prohibitions against cursing, the prohibition against cursing a judge (22:27), against cursing a leader (ibid) and against cursing someone who is deaf (Vayikra 19:14).

We can’t learn the prohibition against cursing a leader from the prohibition against cursing a judge (the Talmud explains), as we are admonished not to rebel against the leadership of the former and not to go against the rulings of the latter, and the differing requirements prevent us from assuming one based on the other. We also can’t learn the prohibition against cursing the deaf from the other two, or vice versa, because of their extremely high or low standing. However, once there is a prohibition against cursing the deaf and against cursing a leader, we know that it is also prohibited to curse a judge. Similarly, from the prohibition against cursing the deaf and cursing a judge we know that it is also prohibited to curse a leader. In other words, since there is a prohibition against cursing someone who is deaf, we don’t need both the prohibition against cursing a leader and the one forbidding cursing a judge; one of them (either one) would suffice. The Talmud says that this extra prohibition teaches us that the prohibition applies elsewhere as well; hence we know that there is prohibition against cursing a parent. The obvious question is, if the purpose of the extra prohibition against cursing is meant to teach us that we are not allowed to curse a parent, why not just mention parents explicitly rather than using such a round-about way?

The issue is a bit more complex, as the Ran says that the extra prohibition really teaches us that it is forbidden to curse anyone (which includes parents), making the question not just why state judge or leader to teach us parent, but why state three separate prohibitions (judge, leader, deaf) when one prohibition, that it is forbidden to curse anyone, would cover

everyone! Tosfos (on 66b) agrees that it is forbidden to curse anyone, but rather than this being learned directly from the extra prohibition, they learn the prohibition against cursing a parent first, and once we know that it is forbidden to curse a parent, a leader, a judge and the deaf, we also know that it is forbidden to curse anyone. The same question applies to Tosfos as well; why go through all those prohibitions and stages when just stating that it is forbidden to curse anyone should cover, well, everyone?

Another issue raised by some commentators is why the Talmud (Shevuos 36a) seems to learn that it is prohibited to curse anyone from the prohibition against cursing the deaf, without needing the other prohibitions. How can the Talmud learn it from just the one prohibition, if there are reasons (given by the Talmud in Sanhedrin) we can’t apply the prohibition against cursing the deaf to cursing others?

“Whomever curses anyone from [the nation of] Israel, whether (the one cursed is) a man or a woman, an adult or a child, (if there were witnesses who warned against doing it, but the curse was made anyway) [the guilty party] is given a set of lashes (“malkos”). If it was a judge who was cursed, he (or she) is given two sets of lashes, if it was a leader, he (or she) gets three sets of lashes (as it is assumed he is also a judge). If the son of a leader cursed his father, he is guilty on four counts; three are the same as anyone else (who curses a leader) and one (additional) because [it is his] father.” The Rambam (Hilchos Sanhedrin 26:2) is rather clear that the prohibitions against cursing a judge or a leader are stated explicitly in order to teach us that additional sets of lashes are given for cursing them. There is only one other prohibition against cursing given, cursing the deaf. “Why does it say [that it is forbidden to curse] the deaf (since it applies to all)? [To teach us] that even [with] someone who can’t hear and is not pained by this curse, [the one who made the curse] gets lashes” (ibid, 26:1).

It turns out, then, that the prohibition against cursing a judge and a leader are necessary, in order to teach us about the extra sets of lashes. And once we know that we are forbidden from cursing leaders, we can learn the prohibition against cursing anyone from the fact that it is even forbidden to curse the deaf. However, if we need the prohibition against cursing judges and leaders to teach us about the extra sets of lashes, how can the Talmud (in Sanhedrin) tell us that one of them is extra?

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I would suggest that the Talmud in Shevuos and the Talmud in Sanhedrin do not agree about the extra set of lashes. The Rambam follows the Talmud in Shevuos, which learns the extra set of lashes from the prohibition against cursing a judge or a leader, and everyone else (including a parent) from the prohibition against cursing the deaf. (The Rambam doesn't say that the son of a leader gets four sets of lashes, only that he violated four categories; since he is liable for death, the lashes are irrelevant.) The Talmud in Sanhedrin, on the other hand, assumes that only one set of lashes are given, no matter what, so tries to find a need for all three prohibitions. From that perspective (with no extra sets of lashes), the prohibition against cursing either a judge or a leader is extra, and teaches us (with the help of the prohibition against cursing the deaf) that it is forbidden to curse anyone. Which brings us back to our original question: Why teach us this in such a roundabout way rather than stating outright that it is forbidden to curse anyone?

After explaining that the prohibition against cursing a parent is learned from the other prohibitions, the Talmud (in Sanhedrin) discusses the fact that the word for "judge," "Elohim," can also refer to G-d ("Elokim"), as it is prohibited to curse G-d as well. In other words, the prohibition against cursing anyone is learned from the verse that prohibits cursing nobility and cursing G-d. The message should be clear: Do not curse anyone; rather, we must treat each and every person with respect, as if they are leaders, part of the nobility. After all, each and every one of us was created in the divine image. © 2010 Rabbi D. Kramer

RABBI AVI WEISS

Shabbat Forshpeis

There are several terms in the Torah that have no suitable English equivalent. They should not be translated. Leaving them in the original Hebrew allows the reader to understand that a more detailed analysis of the word is necessary.

An example would be the term eved. In many texts it is defined as slave. But the concept of slavery as understood in contemporary times is foreign to Jewish thought.

What then does eved ivri, commonly translated as Hebrew slave, really mean? According to the

Talmud, eved ivri as found in this week's portion (Exodus 21:2-6) deals with a Jew who has stolen but is unable to repay. In the words of Rabbi Samson Rafael Hirsch, "The Torah orders a criminal to be brought into the life of a family as we might order a refractory child to be brought under the influence of Jewish family life."

When an eved ivri is ordered by the court to be brought into a Jewish home, halakhah insists on provisions which on the one hand help in his rehabilitation, but in the same breath protect him from being stripped of his dignity.

For example, the Torah insists that the tasks performed by the eved ivri must be in consonance with his normal activities. In other words, he must work in his usual occupation.

Moreover, the Torah mandates that during this period of time, the family of the eved ivri be provided for. Hence, if he is married, his wife and children must accompany him to his new home.

Finally, the Torah stresses to the eved ivri the importance of his returning to normative society by encouraging him to leave after six years. If he chooses to remain, his ear is pierced near a door to drive home the point that he has not taken to heart the important concept of living in freedom, as symbolized by the door, the passageway to open streets.

Unlike the contemporary system which often fails to rehabilitate the criminal, the Torah insists on exposing the thief to a home life where appropriate values are taught in order to mainstream the person who has gone astray. This Torah process of rehabilitation may be impossible to implement today, but it is one which speaks to the beauty of society as it exists under Torah law.

Far from slavery, eved ivri speaks nobly about the Torah's belief in the power of individuals to transform themselves; and the responsibility of families to take the eved ivri in—in order to help their rehabilitation. © 1998 Hebrew Institute of Riverdale & CJC-AMCHA. Rabbi Avi Weiss is Founder and Dean of Yeshivat Chovevei Torah, the Open Orthodox Rabbinical School, and Senior Rabbi of the Hebrew Institute of Riverdale.

RABBI BEREL WEIN

Wein Online

One of the main issues that the Torah deals with in this week's parsha is that of slavery. The Torah envisioned two types of servants. One was Jewish, who was basically a hired hand for a period of six years or until the yovel (Jubilee year) arrived, whichever came first. This servant had the right to renew his indenture past the six-year period if he so desired but never past the time of the arrival of the yovel year. The Torah obviously disapproved of the renewal arrangement, for the servant first had to suffer having his ear drilled before continuing service to his master.

Rashi, quoting the Talmud states that the Lord is disappointed, so to speak, in the servant's choice of continued indenture since "they [the Jews] are my servants and are not meant to be servants to others servants." There are compelling human reasons for the arrangement of servitude. It was to repay items that had been stolen or to provide some sort of home setting and living for the very destitute and homeless. It is also humanly understandable that inertia and fear of outside social conditions and having to begin life anew may contribute to the servant wishing to remain a servant to a kind and decent master for longer than the six-year period. Nevertheless, from all of the restrictions that the Talmud discusses on the treatment of servants it is obvious that the project of slavery could not ever be of financial or economic benefit to the masters of those servants.

The prophets of Israel in later generations also spoke out strongly against the institution of slavery amongst Jews. As such, it seems that the Torah saw this arrangement as a method of social rehabilitation of petty criminals and the unfortunate dregs of society. But in its moral view of human life, the Torah had scant room for slavery as a social or economic institution. There was also a set of laws that governed the purchase and maintenance that governed the second type of servant - the non-Jewish one.

If that be the case, that the Torah did not favor at all the institution of slavery, then why did the Torah allow its existence within Jewish society at all? This difficult question has challenged all of the commentators to the Torah, especially those of the last two centuries. There is no doubt that for millennia slavery was an accepted social institution in the world, even in the civilized world. It took a four-year bloodbath with over six hundred thousand dead to end slavery in the United States in the middle of the nineteenth century. There is slavery still existent in parts of the world even today. There is a conception in Torah that the Torah dealt with the reality of the weakness of human behavior and allowed under very strict and hoarded circumstances behavior and institutions, which were not in the purview of the great moral framework.

The story of the yefat toar - the beautiful non-Jewish captive woman taken in war and permitted to the Jewish soldier under rigorous conditions and restrictions - is an example of such a Torah attitude in a difficult situation that allows behavior because of social conditions that does not really meet the standards of Torah morality. The idea of slavery is perhaps one of those examples. In any event, slavery has been non-existent in most of the Jewish world for many centuries and the study of slavery and its laws and restrictions remains today a theoretical study without current practical implications in Jewish life. © 2006 Rabbi Berel Wein- Jewish historian, author and international lecturer offers a complete selection of CDs, audio tapes, video tapes, DVDs, and books on Jewish history at www.rabbiwein.com.

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RABBI YISSOCHER FRAND

RavFrand

This week's parsha is full of mitzvos—both those between man and G-d and those between man and man. In Shmos 22:21 we find the pasuk [verse] "Do not mistreat a widow or an orphan." There is a general prohibition of doing anything that will harm the feelings of any Jew, but the Torah is particularly concerned about the feelings of the less fortunate. Therefore, there is a separate negative prohibition ('lav') warning against mistreatment of widows and orphans.

The pasuk continues, "...because if you will be unkind to them and as a result of your mistreatment, they will cry out to Me, I will surely listen to their cry." This is the type of pasuk that we read and we do not think twice about. We ignore the theological implications of it; we don't even think about the grammar of the pasuk.

If we look at the pasuk carefully, we will see a very strange thing about the Torah's language. "If 'anay t-anay' (you will surely oppress)...;" "For if 'tsa-ok yitzak' (they surely cry out)...;" "I will 'sha-moa eshmah' (certainly listen to)..." Every verb in this pasuk is doubled!

The simple approach is that every time the Torah uses a double expression, the Torah is emphasizing with strength (certainly, indeed, surely, etc.).

The Kotzker, zt"l, suggests that over here the Torah is using a double expression for a very specific purpose. The Torah wants us to know that whenever we mistreat a widow or an orphan, we are inflicting double pain.

When an orphan or widow is mistreated, they feel that they are being taken advantage of because of their unfortunate situation. "I don't have a father to defend me; I don't have a husband to stand up for me."

Every time a person mistreats these individuals, in addition to the suffering of the mistreatment itself, it brings up the memories of the loss of the husband and father. They feel again the pain of losing their loved one, their protector. Every time one mistreats an orphan or widow—it is a double pain.

The Torah therefore says "If 'anay t-anay'..."—if you mistreat them, (a double mistreatment) then their cry will not just be a regular cry. It will be a double cry ('tsa-ok yitzak'). If so, G-d says, when I respond I will 'shamoa eshma'—I will respond as if I hear of a double mistreatment. My response will also be double.

A Person Who Is Not A 'Mensch' Cannot Be a Judge

We learn from Shmos 23:2, the famous principle of 'majority rules' ("...Acharei Rabim L'Hatos"). We follow this rule throughout the Talmud -- we follow

the majority (azlinan basar rubah). This concept is a pasuk in the Torah; it is a halacha in Shulchan Aruch; it is basic to the Court System and is basic to halacha.

There is a very famous Gemara in Bava Metziah [59b]. Rabbi Eliezer had a dispute with the Sages about the Oven of 'Achinai.' The dispute was concerning the laws of Purity and Impurity. Rabbi Eliezer said that the Oven was Tahor [pure] and the Sages said that it was Tameh [impure]. Rabbi Eliezer answered all the proofs of the Sages and considered himself to be correct.

After concluding the logical arguments Rabbi Eliezer said, "If I am correct, let this Carob tree prove it." The Carob tree was miraculously uprooted and flew away a distance of 100 cubits. That did not convince the Sages.

Rabbi Eliezer then said, "If the halacha is like me, let this spring of water prove it." The flow of the spring changed directions, but that did not convince the Sages.

He said to them, "If I am right let the walls of the Beis Medrash prove it." The walls began to tilt, but that didn't convince them.

Finally, he said, "If I am right, let Heaven prove it." A Bas Kol came forth and said "What business have you arguing with Rabbi Eliezer whom the Halacha follows in all places."

The Sages did not even accept the Bas Kol. Rabbi Yehoshua stood up and proclaimed "It [The Torah] is not in Heaven" [Devorim 30:12]. In other words, we don't pay attention to Heavenly Voices. In this world, there exists a halachic principle of 'majority rules' (rov). We, the majority, hold that it is Tameh, and that is the halacha!

The Talmud relates that subsequently, all the items which had been declared ritually pure by Rabbi Eliezer were brought forth and burnt in fire, in his presence. The Sages got together and put him in Cherem.

The strange thing about this incident is the fact that, throughout, Rabbi Eliezer refused to back down. Did he not know Chumash? Is there not a halacha in the Torah that 'majority rules?' Rabbi Eliezer was in the minority. Why did he not submit to the majority opinion, as halacha requires?

Rav Bergman says that this question is raised by the Jerusalem Talmud in Tractate Moed Katan. The Yerushalmi answers that Rabbi Eliezer only objected to the fact that the Sages went ahead and burnt that which he had proclaimed ritually pure in front of him. The Korban Edah explains the Yerushalmi: Since they burnt the 'taharos' in his presence, he suspected that they were acting 'not for the sake of Heaven, only to aggravate him.' Therefore he did not consider their greater number to be halachically significant.

Rav Bergman elaborates: "You shall follow the majority" is a halacha concerning Judges. In order to be a Judge, one has to be a 'mensch;' if one is not a

'mensch', one is not a Judge; if one is not a Judge, the law of 'majority' is inapplicable.

Rabbi Eliezer would have accepted a bona-fide vote from Judges on a 'for the Sake of Heaven' basis. But when he saw that they were trying 'to rub his face in it,' he realized that he was not dealing with such a situation.

"You shall be a Holy People (anshei kodesh) to Me..." [22:30] The Kotzker says, "Fine, be Holy (kodesh), but remember to be (dignified) People (Anshei) first". First one has to be a decent human being (mensch), only then can he start thinking about holiness. © 1997 Rabbi Y. Frand & Project Genesis, Inc.

RABBI SHLOMO RISKIN

Shabbat Shalom

“**N**ow these are the judgments which you shall set before them. If you buy a Hebrew slave, six years shall he serve, and in the seventh year he shall go out free." (Ex. 21:1-2).

Mishpatim is the quintessential biblical portion dealing with law, although it contains only the third greatest number of commandments (with 53 it follows Emor's 63 and Ki Tetze's 74). What seems most remarkable about the portion is its interweaving of property rights and religious duties, including the sanctity of the Shabbat and the details of kashrut.

After the theophany at Sinai, the Tora teaches that the G-d of revelation is also the G-d of commandment - that the uniqueness of Judaism lies in its legislation. But Judaism is much more than a legal system, no matter how important and all-encompassing. The true literal meaning of Tora is direction.

The Talmud is a brilliant interweaving of questions and answers, theological discourses, biographical anecdotes and moralistic parables. If Judaism were simply a religion of law, its major texts should have been presented in the fashion of Roman or English law books.

Hence it behooves us to ask: What is the fundamental direction of the biblical and talmudic laws which shape Jewish society? If we study two of the greatest codifiers of Jewish law, Maimonides and Rabbi Yosef Karo, we will discover two different opinions.

R. Karo, author of the Shulchan Aruch, lived in 16th-century Safed. His compendium of Jewish law received universal acceptance when the leading Ashkenazi halachist of his age, Rabbi Moshe Isserles of Cracow, added his gloss, or "tablecloth." This Sephardi-Ashkenazi work now spoke to all Jewry, providing an easy-to-study summary, in exquisite order, of the entire corpus of Jewish law.

The careful student will also notice that Karo begins his compendium with the general statement that one must be strong as a lion to do G-d's will, and must keep in mind the words of the psalmist: "I set G-d before me always."

Hence it is clear that for Karo, the myriad laws are meant to help make G-d the center of life - the G-d of ethics and compassion, in whose image the human being was created and to whose values he must aspire.

Furthermore, the Shulhan Aruch begins with the laws of awakening and ends with the laws of mourning. Thus, Karo postulates that a person must remain G-d-centered from the first moment in the morning to the last moment of his life.

It's fascinating to see how Maimonides's system of organization differs from that of the Shulhan Aruch. Maimonides begins his compendium, Mishne Tora, not with what to do when one wakes up, but rather with the Laws of the Foundations of the Tora, where he sets forth his philosophic concepts of G-d, world and Tora.

And 14 volumes later, when Maimonides concludes his vast work, his final compilation describes Laws of Government, outlining the State of the Jewish people, Judaism and the world during the Messianic Age.

Maimonides is stressing two things. First, it's not sufficient merely to observe the laws; they must be observed within the proper theological context. If, for example, an individual follows all the commandments to manipulate and control the Deity, he or she may well be guilty of idolatry. Maimonides also emphasizes that the purpose of the law is to create a nation and a world in which there will be "no evil or destruction."

In the philosophic context revealed by Maimonides, our task is not only to serve G-d by making Him the center of our lives; we must also serve Him to bring about a Messianic Age.

Karo's work, with its emphasis on cradle-to-grave commitment, was more appropriate for Jews living in the Diaspora, whose daily struggles made it almost inappropriate for them to think beyond their own welfare. Maimonides's Mishne Tora, on the other hand, seems more appropriate to life in Israel today, where it's again possible to think in universal terms.

The irony is that Karo wrote his book in Safed, the leading Jewish center in Israel during the 16th century, while Maimonides wrote his "messianic" work in Egypt in the midst of Moslem persecution.

Perhaps the explanation is rooted in historical reality. Since 16th-century Safed was steeped in messianic yearnings, Karo probably feared that transcendent dreams might trivialize the halachic concern for daily activities. He therefore concentrated upon daily religio-legal commitment as the most significant expression of Divine service.

Maimonides, on the other hand, was living in the exile under Almohad and Crusader persecution, and may have feared that his fellow Jews would lose sight of the dream of Redemption. He therefore composed his compendium so the ultimate vision of Judaism would never be forgotten.

These two works capture the essence of our legal theology. The law certainly provides transcendent meaning to our daily lives. It also demands a theological commitment to ethical monotheism, and holds out a vision of ultimate perfection. © 1994 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI ABBA WAGENSBERG

Between the Lines

In this week's parsha, the Jewish people make the penultimate statement of their 40-year sojourn in the wilderness: Na'aseh v'nishma-"Whatever G-d has spoken, we will do and we will hear" (Exodus 24:7).

According to the Talmud, the Jewish people received three rewards for preceding the word "na'aseh" (we will do) to the word "nishma" (we will hear). First of all, 600,000 angels crowned every Jew with two crowns: one for "na'aseh" and one for "nishma" (Shabbat 88a).

Secondly, in response to the statement "na'aseh v'nishma," G-d called the Jewish people "My firstborn child" (Shabbat 89b on Exodus 4:22). Finally, the Jewish people's utterance of "na'aseh v'nishma" caused a Heavenly voice to proclaim, "Who revealed this secret of the angels to My children?" (Shabbat 88a). We see that "preceding action to listening" is an attribute of angels, as the verse says (Psalms 103:20), "Angels do G-d's word and listen to His voice."

These three rewards given to the Jewish people-two Heavenly crowns, being designated as G-d's firstborn child, and being compared to angels- are extremely lofty. What was so extraordinary about the statement "na'aseh v'nishma" that caused us to merit receiving these tremendous rewards?

The Slonimer Rebbe (based on Me'or Einayim) shares three approaches in understanding what the Jewish people meant when they declared "na'aseh v'nishma." Let us examine these three different ways of understanding.

The first approach regards the ups and downs that every person experiences during daily life. We must be aware that truly accepting Torah involves doing the will of G-d not only when we are feeling confident and secure, but also during difficult and challenging times. This is what the Jewish people meant when they said, "Na'aseh v'nishma." Their commitment to following the will of G-d ("na'aseh") preceded their understanding of the Torah's laws ("nishma").

Failure to understand even logical laws (many of which are found in Parshat Mishpatim) indicates a time of challenge in our lives. The commentator Ohr Gedalyahu explains why this is so. The laws in this week's parsha seem logical and rational to us not because they are inherently sensible, but because G-d created us with an innate sense of right and wrong. Since G-d created us in this way, we have the ability to come close to G-d and to align ourselves with His will. When a Torah law seems logical to us, it is a sign that

we are on the right path-i.e. close to G-d and aligned with His way of thinking. When we fail to see the rationale behind laws that we have the potential to understand, it is a sign that our behavior has distanced us from our innate sense of right and wrong. The statement "na'aseh v'nishma" is therefore a commitment by the Jewish people to follow the Torah's laws even at low times, when the laws do not seem sensible to us.

The second approach is based on the Talmud's statement (Yoma 28b) that it is possible to serve G-d even before being commanded to do so. This determines whether we relate to G-d as a child to a parent, or as a servant to a master. A child, out of love, will do the parent's will without being told. A servant, however, will only perform when commanded by his master. G-d's failure to command us indicates distance, as we see in the Talmud's statement (Bava Kama 38a), "Greater is one who is commanded than one who is not commanded."

We can suggest a new approach in understanding this idea by means of a parable. Imagine two families. One family insists that the children finish their homework before suppertime, has set bedtimes for the children, imposes curfews, and has all sorts of other rules and expectations. The second family allows the children to eat whenever they want, to stay out as late as they feel like, and does not impose any limitations or boundaries on the children whatsoever. The first family, with its structure and clear expectations, shows that the children's well-being is a top priority. The second family, with its total freedom and permissibility, may actually demonstrate a lack of care for the children. When G-d commands us, He shows that He cares about our well-being. When He does not command us, it can indicate a distance between us.

The Jews' statement of "na'aseh v'nishma" can be understood in light of this idea to mean, "We will do even before we are commanded." Despite the Jewish people's not being commanded, which could indicate a distance between them and G-d, they proclaim their intention to fulfill G-d's will anyway. This commitment demonstrates the eternal love a child has for his parent-the desire to fulfill the parent's will even when not specifically asked to do so.

Our performance of G-d's will even at low points in our lives, and even when we feel distant from Him, enables us to attain the highest level, which is the third approach. The Torah's 613 commandments correspond to the 613 parts of the physical body, which in turn correspond to the 613 parts of the soul. Just as our bodies do not need to be taught natural drives (eating, drinking, relieving of waste), so too should the soul be able to perform the will of G-d naturally, without being taught. However, the body's drives prevent the soul from expressing its full potential. Only when we completely purify and refine the body is the soul able to naturally and automatically perform the will of G-d.

When the Jewish people declared, "Na'aseh v'nishma," they implied, "We can do even before hearing the will of G-d, because we have purified our bodies to the point where expressing the Divine will comes naturally." This purification takes place only when we are committed to performing the will of G-d even during the low points in our lives and even when we feel distant from the Divine. If we are able to reach this level, we become like angels, who do not have a body that separates them from naturally expressing the Divine will.

These three approaches will help us to appreciate the greatness of the Jewish people's statement "na'aseh v'nishma," and will show us why the Jewish people deserved the three rewards they received. As we mentioned, the people were given two crowns. This reward corresponds to the first approach in understanding "na'aseh v'nishma": the commitment to following the will of G-d not only during times when we feel confident and positive, but also during the low points in life. These two extremes-the highs and the lows-correspond to the two crowns given to the Jewish people.

The second reward was G-d's designating the Jewish people as His "firstborn child." This reward corresponds to the second approach in understanding "na'aseh v'nishma": the Jews performing the will of G-d even when not commanded. Although not being commanded could indicate distance, the Jews' perseverance despite this possibility demonstrated their investment in building a parent/child relationship with G-d. G-d then reciprocated with the second reward: calling the Jews "My firstborn child."

For the third reward, the Jewish people were compared to the angels, who are capable of acting before hearing. This reward corresponds to the third approach in understanding "na'aseh v'nishma": the Jewish people being able to purify their bodies to such a degree that their souls could express the Divine will without any obstacle. Automatically performing the will of G-d is an angelic quality; hence, the Jewish people were rewarded by being compared to angels.

May we all be blessed to persevere even during the low times, when we feel far away from G-d, so that we live to be commanded once again in all the mitzvot that depend on the Temple-a time when serving G-d will come naturally, and we will deserve to be crowned as G-d's only child. © 2007 Rabbi A. Wagensberg & aish.com

RABBI EFRAIM LEVINE

Hadrash Ve-Haiyun

by the Reisha Rav Hagoen Rav Aaron Levine zt"l

Whoever the court finds guilty shall pay double to his fellow. (Shemos 22:9) Chazal teach us that the half shekel was paid as atonement for the sin of worshipping the golden calf (Yerushalmi Shekalim 4:3). This is hinted at in the posuk "the wealthy shall not

increase and the poor shall not decrease from the half-shekel to give the portion of Hashem to atone for your souls" (Shemos 30:15). We may ask, what connection is there between the sin of the golden calf and the half shekel that every Jew was obligated to give?

The posuk tells us that exactly three thousand people died as a result of worshiping the golden calf (Shemos 32:28). The Torah in parshas bechukosai gives the erech value for a male between the age of twenty and sixty as fifty shekalim. Thus, the loss of three thousand lives was equal to the loss of fifty-shekalim times three thousand which equals one hundred and fifty thousand shekalim. The number of adult Jewish men at the time of the sin of the golden calf was approximately six hundred thousand. It was these same men who were obligated to give the half shekel as the posuk says in connection to the half shekel "Everyone who passes among the counted from the age of twenty years and up shall give the portion of Hashem" (Shemos 30:14). A simple calculation shows that the total collected from all the half shekelim equaled exactly three hundred thousand shekalim.

If we take the above together with our posuk that teaches that the guilty party must pay double, we can understand why each individual was obligated to pay precisely a half-shekel. Although only three thousand people actually worshiped the golden calf nevertheless the entire Jewish people were responsible for this awful sin. The rule that every Jew is responsible for his fellow Jew applies to spiritual matters as well as the mundane and thus the Jewish people as a whole were guilty of not restraining and preventing their brethren from sinning. Therefore, because they were guilty they were obligated to pay double the loss. This is hinted to in our posuk, which may now be homiletically interpreted as "Whoever the court [of Heaven] finds guilty shall pay double [of account of] his fellow." Double the loss equaled three hundred thousand shekalim. Those who were guilty were six hundred thousand and an equal distribution equals a half-shekel per person.

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RABBI BORUCH LEFF

Kol Yaakov

We have been called the Chosen People since time immemorial. But what exactly happened to grant us this exalted title? The answer lies in a profound understanding of the famous Jewish retort to an anti-Semitic remark.

The anti-Semite said, "How odd of G-d to choose the Jews!"

Answered the Jew, "Not so odd, the Jews chose G-d!"

Towards the end of Parshat Mishpatim, the story of the events surrounding the Sinai Revelation is told. The Torah records the famous response of the Jewish People to G-d's offering of the Torah to them:

"Everything that G-d says, we will do and we will hear (Na'aseh VeNishma)!" (Shemot 24:7).

This statement is deemed so significant that the Talmud (Shabbat 88a) states that when the Jewish Nation said 'Na'aseh VeNishma,' 600,000 angels descended from heaven to place two crowns, one for Na'aseh and one for Nishma, upon the head of each Jew. G-d proclaimed, "Who revealed this secret to my children! This is the secret of the heavenly ministering angels!"

Continuing in this vein, the Midrash (Sifri, Zot HaBracha 2) describes G-d offering the Torah to other nations of the world, and their rejection. Each time G-d came to one of the nations to propose His Torah to them, they asked, "Well, what's in it?" When G-d proceeded to mention a few of His commandments, all of the nations gave reasons why they could not accept it, why some of the laws were just too difficult for them to observe. Until G-d came to the Jews and they said, "We will do and we will hear!"

These Midrashic sources are usually understood as a display of the crowning greatness of the Jewish people's acceptance to do anything that G-d says, even before they are told what the command might be. This is certainly true. But what is often ignored is the reaction of the nations. We usually think that while the Jewish response is extremely praiseworthy, the reaction of the nations is understandable. After all, is it not logical that before you enter into an agreement, you read the fine print? But this assumption is wrong.

Who is the one doing the offering? It is the Creator and Sustainer of the Universe. He is the One who knows each individual nation's strengths and weaknesses. If G-d proposes something to you, even something that might seem difficult to keep, such as 613 Commandments in a Torah, He knows that you are capable of accepting it. If you weren't, He wouldn't be offering it to you.

The very fact that the nations asked G-d, "Well, what's in it?" is a rejection of G-d. It shows a lack of trust in G-d and His concern for your welfare.

You don't have to ask G-d for details if He is making you an offer. You trust that G-d has your best interests in mind, and you know that saying "yes" to G-d, without knowing any of the details, is the only compelling course of action.

This is precisely what Rava (Shabbat 88a-b), one of the great Rabbis of the Talmud, said in response to a verbal attack on the Jewish people. "You are an impetuous nation! You spoke before you listened! How could you have accepted the Torah before you heard how hard its laws were?" Rava replied, "We acted as lovers do. We had the trust that G-d would not give us any commands that we were not capable of carrying out!" (Rashi's explanation.)

This type of trust in G-d was necessary at the time of the Giving of the Torah at Sinai. But it is also needed today for all of us. There are many times when

we feel that we are incapable of fulfilling the Torah's demands. It is just too difficult for us. But if we would realize that G-d, the One who knows our strengths and weaknesses personally is doing the asking, we would understand that we must have the ability to accomplish what G-d wants of us. It may take time until we master a particular spiritual area and we should always work on things slowly and gradually, but all along we must trust in G-d and His demands of us. We can do it, if G-d is telling us we can.

The same is true regarding life struggles and tests. The key to passing these life challenges intact is the realization that if G-d has placed me in my predicament, I must be able to pass the test. This is the beginning of the kind of acceptance of a challenge that is necessary in order to survive spiritually. As the famed self-help author, M. Scott Peck, begins his book, "The Road Less Traveled":

"Life is Difficult. This is a great truth, one of the greatest truths. It is a great truth because once we truly understand and accept it, then life is no longer difficult. Because once it is accepted, the fact that life is difficult no longer matters."

What Peck writes is true. As believing Jews, though, we have a double advantage. We know that not only will there be difficulties in life and that is the way things are supposed to be, but that it is G-d that gives us our individual tests and knows that we can succeed in conquering our personal challenges.

We are descendants of the great ones who said to G-d, "We trust You. We know that whatever You command and whatever challenges You send us are for our good." Let us live this trust in our own daily life struggles. © 2008 Rabbi B. Leff & aish.com

RABBI SHLOMO KATZ

Hama'ayan

This week's parashah contains the famous phrase, "Na'aseh v'nishmah"/"We will do and we will hear," by which Bnei Yisrael accepted the Torah unconditionally, even before hearing it. Yet, the gemara says, Hashem had to force Bnei Yisrael to accept the Torah. How so?

Tosfot explains that Bnei Yisrael willingly accepted the Written Law, but had to be forced to accept the Oral Law (i.e., the Talmud, which was studied orally until about 1500 years ago). What does this mean? What good is the Torah without the Oral Law? Rav Dov Meir Kreuzer shlita (rosh yeshiva of the Yeshiva of New Square, N.Y.) explains as follows:

Bnei Yisrael did not reject the content of the Oral Law; they merely wanted it to be written, just like the Five Books of the Torah were from the beginning. They wanted the study of the Oral Law to be as easy as the study of the Written Law.

Chazal say that when the first Luchot/Tables were given, they did somehow contain the entire Oral

Law on them. This is why Moshe broke the Luchot when he saw the golden calf, for he understood that Bnei Yisrael had too much time on their hands. With the entire Torah handed to them on a platter, so-to-speak, Bnei Yisrael had time to sin. Only if Torah study was made difficult and time-consuming would Bnei Yisrael be too busy to stray.

Chazal say that Moshe's face shone because he wiped the left-over ink from writing the second Tablets on his face. Why was there left-over ink? Because the second Tablets were "shorter" than the first; they did not include the Oral Law. The shine on Moshe's face was the light of the Oral Law, i.e., the radiance which comes from working hard to understand the Talmud. (Kovetz Be'er Yaakov, Vol. 3)

Parashat Mishpatim In Halachah

This parashah contains 53 of the Torah's 613 mitzvot. (Sefer Hachinuch)

In 13th century Barcelona, and in Algiers and Tunis even recently, this parashah was divided into two parashot in certain years. In those years, the second parashah began with verse 22:24. (See Minchat Chinuch [Machon Yerushalayim ed.], note on p.308)

"These are the laws which you shall place before them." (21:1) Rabbi Tarfon said: Wherever you find gentile courts, even if their laws are the same as the Torah's laws, you are prohibited from bringing your cases before those courts, as it is written, "These are the laws which you shall place before them [i.e., the Jewish people]—"before them" and not before non-Jewish courts. (Gittin 88b)

The Shulchan Aruch writes: "It is forbidden to adjudicate disputes before gentile judges or in their courts, even if their law is identical to the Torah's law, and even if both litigants have consented. One who brings a case before them is a rasha, and it is as if he blasphemed and raised his hand against the Torah."

One must first summon his opponent to bet din. If he does not come, one may obtain permission from the bet din to sue in secular court. (Choshen Mispat 26:2)

"His healing he shall heal." (21:19) From here we learn that doctors are permitted to heal (Bava Kama 85a). If the Torah did not teach us this, we might have thought that it was forbidden to attempt to undo what the King had done.

Ramban writes: Since the verse did not say simply, "He shall give his healing," we learn that this award of damages must go directly to pay the doctors. The assailant may even pay the doctors directly. If the victim prefers to keep the money and not be healed, he does not have that right. © 1997 Rabbi S. Katz & Project Genesis, Inc.

