

Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

One of the most famous phrases in the Torah makes its appearance in this week's parsha. It has often been used to characterise Jewish faith as a whole. It consists of two words: na'aseh venishma, literally, "we will do and we will hear" (Ex. 24:7). What does this mean and why does it matter?

There are two famous interpretations, one ancient, the other modern. The first appears in the Babylonian Talmud, (Shabbat 88a-b) where it is taken to describe the enthusiasm and whole-heartedness with which the Israelites accepted the covenant with G-d at Mount Sinai. When they said to Moses, "All that the Lord has spoken we will do and we will hear", they were saying, in effect: Whatever G-d asks of us, we will do -- saying this before they had heard any of the commandments. The words "We will hear", imply that they had not yet heard -- not the Ten Commandments, or the detailed laws that followed as set out in our parsha. So keen were they to signal their assent to G-d that they agreed to His demands before knowing what they were. (There are, of course, quite different interpretations of the Israelites' assent. According to one, G-d "suspended the mountain over them," giving them no choice but to agree or die [Shabbat 88a].)

This reading, adopted also by Rashi in his commentary to the Torah, is difficult because it depends on reading the narrative out of chronological sequence (using the principle that "there is no before and after in the Torah"). The events of chapter 24, on this interpretation, happened before chapter 20, the account of the revelation at Mount Sinai and the Ten Commandments. Ibn Ezra, Rashbam and Ramban all disagree and read the chapters in chronological sequence. For them, the words na'aseh venishma mean not, "we will do and we will hear", but simply, "we will do and we will obey."

The second interpretation -- not the plain sense of the text but important nonetheless -- has been given

often in modern Jewish thought. On this view na'aseh venishma means, "We will do and we will understand." (The word already carries this meaning in biblical Hebrew as in the story of the tower of babel, where G-d says, come let us confuse their language so that people will not be able to understand their neighbour.) From this they derive the conclusion that we can only understand Judaism by doing it, by performing the commands and living a Jewish life. In the beginning is the deed. (This is the famous phrase from Goethe's Faust.) Only then comes the grasp, the insight, the comprehension.

This is a signal and substantive point. The modern Western mind tends to put things in the opposite order. We seek to understand what we are committing ourselves to before making the commitment. That is fine when what is at stake is signing a contract, buying a new mobile phone, or purchasing a subscription, but not when making a deep existential commitment. The only way to understand leadership is to lead. The only way to understand marriage is to get married. The only way to understand whether a certain career path is right for you is to actually try it for an extended period. Those who hover on the edge of a commitment, reluctant to make a decision until all the facts are in, will eventually find that life has passed them by. (This is similar to the point made by Bernard Williams in his famous essay, 'Moral Luck,' that there are certain decisions -- his example is Gauguin's decision to leave his career and family and go to Tahiti to paint -- about which we cannot know whether they are the right decision until after we have taken them and seen how they work out. All such existential decisions involve risk.)

The only way to understand a way of life is to take the risk of living it. (This, incidentally, is the Verstehen approach to sociology and anthropology, namely that cultures cannot be fully understood from the outside. They need to be experienced from within. That is one of the key differences between the social sciences and the natural sciences.) So: na'aseh venishma, "We will do and eventually, through extended practice and long exposure, we will understand."

In my Introduction to this year's Covenant and Conversation, I suggested a quite different third interpretation, based on the fact that the Israelites are described by the Torah as ratifying the covenant three



Take Control of
YOUR MONEY!
tinyurl.com/fitness5

...probably the best personal
finance training course I've seen! - CPA

**TORAS AISH IS A WEEKLY PARSHA
NEWSLETTER DISTRIBUTED VIA EMAIL
AND THE WEB AT WWW.AISHDAS.ORG/TA.
FOR MORE INFO EMAIL YITZW1@GMAIL.COM**

The material presented in this publication was collected from email subscriptions, computer archives and various websites. It is being presented with the permission of the respective authors. Toras Aish is an independent publication, and does not necessarily reflect the views of any synagogue or organization.

**TO DEDICATE THIS NEWSLETTER PLEASE CALL
(973) 277-9062 OR EMAIL YITZW1@GMAIL.COM**

times: once before they heard the commandments and twice afterward. There is a fascinating difference between the way the Torah describes the first two of these responses and the third: The people all responded together, "We will do [na'aseh] everything the Lord has said." (Ex. 19:8)

When Moses went and told the people all the Lord's words and laws, they responded with one voice, "Everything the Lord has said we will do [na'aseh]." (Ex. 24:3) Then he took the Book of the Covenant and read it to the people. They responded, "We will do and hear [na'aseh ve-nishma] everything the Lord has said." (Ex. 24:7)

The first two responses, which refer only to action (na'aseh), are given unanimously. They people respond "together". They do so "with one voice". The third, which refers not only to doing but also to hearing (nishma), involves no unanimity. "Hearing" here means many things: listening, paying attention, understanding, absorbing, internalising, responding and obeying. It refers, in other words, to the spiritual, inward dimension of Judaism.

From this, an important consequence follows. Judaism is a community of doing rather than of "hearing". There is an authoritative code of Jewish law. When it comes to halakhah, the way of Jewish doing, we seek consensus.

By contrast, though there are undoubtedly principles of Jewish faith, when it comes to spirituality there is no single normative Jewish approach. Judaism has had its priests and prophets, its rationalists and mystics, its philosophers and poets. Tanakh, the Hebrew Bible, speaks in a multiplicity of voices. Isaiah was not Ezekiel. The book of Proverbs comes from a different mindset than the books of Amos and Hosea. The Torah contains law and narrative, history and mystic vision, ritual and prayer. There are norms about how to act as Jews. But there are few about how to think and feel as Jews.

We experience G-d in different ways. Some find him in nature, in what Wordsworth called "a sense sublime / Of something far more deeply interfused, / Whose dwelling is the light of setting suns, / And the round ocean and the living air." Others find him in interpersonal emotion, in the experience of loving and

being loved -- what Rabbi Akiva meant when he said that in a true marriage, "the Divine presence is between" husband and wife.

Some find G-d in the prophetic call: "Let justice roll down like a river, and righteousness like a never-failing stream" (Amos 5:24). Others find Him in study, "rejoicing in the words of Your Torah... for they are our life and the length of our days; on them we will meditate day and night." Yet others find Him in prayer, discovering that G-d is close to all who call on him in truth.

There are those who find G-d in joy, dancing and singing as did King David when he brought the Holy Ark into Jerusalem. Others -- or the same people at different points in their life -- find Him in the depths, in tears and remorse and a broken heart. Einstein found G-d in the "fearful symmetry" and ordered complexity of the universe. Rav Kook found Him in the harmony of diversity. Rav Soloveitchik found Him in the loneliness of being as it reaches out to the soul of Being itself.

There is a normative way of doing the holy deed, but there are many ways of hearing the holy voice, encountering the sacred presence, feeling at one and the same time how small we are yet how great the universe we inhabit, how insignificant we must seem when set against the vastness of space and the myriads of stars, yet how momentarily significant we are, knowing that G-d has set His image and likeness upon us and placed us here, in this place, at this time, with these gifts, in these circumstances, with a task to perform if we are able to discern it. We can find G-d on the heights and in the depths, in loneliness and togetherness, in love and fear, in gratitude and need, in dazzling light and in the midst of deep darkness. We can find G-d by seeking Him, but sometimes He finds us when we least expect it.

That is the difference between na'aseh and nishma. We do the G-dly deed "together". We respond to His commands "with one voice". But we hear G-d's presence in many ways, for though G-d is One, we are all different, and we encounter Him each in our own way. © 2016 Rabbi Lord J. Sacks and rabbisacks.org

RABBI SHLOMO RISKIN

Shabbat Shalom

"If your brother becomes destitute and is then sold to you, you shall not make him work like a slave" (Leviticus 25:39). If indeed Judaism gave the world the idea and ideal of freedom -- "I am the Lord thy G-d who took thee out of the land of Egypt, the house of bondage" (Exodus 20:2), how can we justify that our Bible accepts the institution of slavery and even legislates proper and improper treatment of slaves? Why didn't our Torah abolish slavery absolutely? If we compare the laws of the Hebrew slave as found in Mishpatim (Exodus 21:2-6) to the laws of the Hebrew

slave as found in our reading of Behar (Leviticus 25:39-47), our analysis may lead to a revolutionary idea about how the Bible treated the “slave” altogether! At first blush, the two primary sources appear to be in conflict with each other. The portion of Mishpatim explains that if one purchases a Hebrew slave, he may only be enslaved for six years after which he must be completely freed (Ex. 21:2). Secondly, the owner may provide the slave with a gentile servant as his wife, stipulating that the children will remain slaves of the owner after the Hebrew slave (father) is freed (Ex. 21:4).

And thirdly, if the Hebrew slave desires to remain in bondage longer than the six-year period – “Because he loves his master, his wife, his children” – he may continue to be enslaved until the Jubilee 50th year; however, he must first submit to having his ear pierced at the doorpost, so that the message of G-d’s dominion (“Hear O Israel the Lord is our G-d, the Lord is one”), rather than human mastery, is not lost upon him (Ex. 21:5,6).

A very different picture seems to emerge from the passage in Behar. Here the Bible emphasizes the fact that we are not dealing with slavery as understood in ancient times, a specific social class of slaves who were captured in war or whose impoverishment caused them to be taken advantage of. Rather, our Torah insists that no human being may ever be reduced to servitude, no matter his social or financial status.

At worst, he must be hired like a hired residential worker with you, and “he shall work with you until the jubilee 50th year. Because they [these hired residential workers] are [also no less than you,] my servants whom I have taken out of the land of Egypt; they may not be sold as one sells a slave. You shall not rule over them harshly; you must fear your G-d” (Lev. 25:43). You are not to have slaves, our text is proclaiming; you are merely to have hired residential workers! And upon examining our text in Behar, we find a number of interesting differences between this passage and the text in Exodus. First of all, in our portion there doesn’t seem to be a time limit of six years; the length of time of employment would seem to depend upon the contract between employer and employee.

Second, this passage doesn’t seem to mention anything about the employer providing a gentile servant as wife. And thirdly, our text does not ordain piercing of the ear for a longer stay of employment, and it does tell us in no uncertain terms that our Bible does not compromise with slavery! It only provides for hired residential workers.

The Talmud – which transmits the Oral Law, some of which emanated from Sinai and some of which is interpreted by the Sages (100 BCE – 800 CE) – teaches that each of these biblical passages is dealing with a different kind of “servant” (B.T. Kiddushin 14a):

The first (in Mishpatim) is a criminal who must be rehabilitated, a thief who doesn’t have the means to restore his theft to its proper owner. Such an individual is put “on sale” by the religious court, whose goal is to guide a family toward undertaking the responsibility of rehabilitation.

After all, the criminal is not a degenerate, his crime is not a “high risk” or sexual offense, and it is hoped that a proper family environment which nurtures and provides gainful employment (with severance pay at the end of the six-year period) will put him back on his feet. He is not completely free since the religious court has ruled that he must be “sold,” but one can forcefully argue that such a “familial environment/halfway house” form of rehabilitation is far preferable to incarceration.

The family must receive compensation – in the form of the work performed by the servant as well as the children who will remain after he is freed – and the criminal himself must be taught how to live respectfully in a free society. And, if the thief does not trust himself to manage his affairs in an open society, he may voluntarily increase his period of incarceration-rehabilitation.

The second passage in Behar deals with a very different situation, wherein an individual cannot find gainful employment and he is freely willing to sell the work of his hands. The Bible here emphasizes that there is absolutely no room for slavery in such a case; the person may only be seen as a hired, residential laborer, who himself may choose the duration of his contract; his “person” is not “owned” in any way by his employer. Hence, he cannot be “given” a wife, and of course any children he may father are exclusively his children and not his employer’s children! ©2016 *Ohr Torah Institutions & Rabbi S. Riskin*

RABBI BEREL WEIN

Wein Online

One would perhaps have thought that after the exalted experience of G-d’s revelation at Mount Sinai, the Torah would proceed to portray the idyllic life that Torah represents, both spiritually and physically. Instead, this week’s Torah reading describes a rather fractured world – one of slavery, criminal behavior, property disputes, physical assaults and negligent behavior.

Would it not have made the idea of observance more appealing if the Torah would have described a utopian vision of peace and harmony, altruism and good will, in short, a more perfect world? But, there is a great lesson in the parsha of Mishpatim with its dark, mundane, almost resigned view of human behavior and society.

The Torah has no illusions about human behavior. It recognizes that we were all driven out of the Garden of Eden long ago and have never been

allowed to reenter that more perfect existence. The Torah does not promise us freedom from the problems of inherent human nature and resultant behavior. What it does do is to give us guidance – rules, if you wish – as to how to effectively deal with the problems that we face daily.

This view of Torah eases, somewhat, the terrible philosophic problem of why apparently good people suffer reverses, pain and defeat in life. The Torah teaches us how to deal with such situations, but it never guarantees that the situations would not arise in our lifetime experience.

A great deal of the analysis and worldview of the Talmud and rabbinic Judaism is based upon the verses of the Torah that are found in the parsha of Mishpatim. The verses in this parsha presuppose the existence, indeed the omnipresence of the problems and conflicts of daily human existence. Family life, workplace relationships, professional behavior and malfeasance, temptations of wealth and power, hurtful words, physical discipline, etc., are all dealt with in the parsha.

There is always a modicum of preventive behavior that the Torah encourages us to follow. However, most of the Torah addresses problems and situations that already exist. It speaks of the real situations that constantly occur in life and does not in any way guarantee that life's problems can be avoided. Even the most righteous amongst us fall seven times. The challenge of the Torah is to rise again and continue.

Resilience is the key trait in a Torah personality. In fact, it is this trait above all others that has fashioned Jewish existence and contributed to Jewish survival throughout the ages. Surely, many a national and/or personal tragedy along the way could have been prevented and avoided. But that is all water under the bridge - a situation over which we no longer have any input or control. As Moshe so aptly put it at the end of the Torah, these are "the hidden things – the past that is no longer with us." "But what is revealed and present before us and our generations is to observe and heed the guidelines of the Torah forever." Torah wisdom and our resilience will always help us deal with life's problems, issues and challenges.
©2016 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. For more information on these and other products visit www.rabbiwein.com

RABBI SHLOMO RESSLER

Weekly Dvar

This week's Parsha, Mishpatim, starts "and these are the laws which you shall set before them (21:1)." Rashi points out that G-d told Moshe that it's not enough to just teach the Torah, and that Moshe

should present it to the Jews like a set table from which one is ready to eat, which is done by explaining the reasons for all the Mitzvot (commandments) as well. As Rabbi Zweig asks, why is this true and what does the analogy to a set table from which one could readily eat mean?

Rabbi Zweig answers that the Torah is presenting one of the most important underlying principles of Judaism. There are two purposes in eating: nutrition and pleasure. When G-d tells Moshe to give the Torah to the Jews as a set table, He is referring to the presentation of the Mitzvot, which is a focus not to the nutritional aspect but rather to the pleasurable aspect. G-d is telling Moshe that it isn't enough to just perform the Mitzvot; the people are also meant to enjoy them. The laws are to be presented in such a way that we should understand them, thereby deriving pleasure from them and have a desire to repeat them.

The lesson is that the Torah must be transformative; it isn't enough to give charity, one must become a charitable person. A charitable person feels good and derives pleasure from helping others. It isn't enough to keep Shabbos, one must connect to the spirit of Shabbos and take pleasure in everything it has to offer. One can only accomplish this by having an understanding of the reasons for the Mitzvot, something worth all of our efforts in improving. ©2016 Rabbi S. Ressler & LeLamed, Inc.

RABBI AVI WEISS

Shabbat Forshpeis

As the Jews stood at Mt. Sinai receiving the Torah, they "ate and drank." (Exodus 24:11) Isn't this inappropriate, especially when considering the holiness of the moment?

Rashi, in fact, maintains that the people acted improperly. It can be suggested that only because of divine mercy were the Jews spared a punishment. So, at the very moment of revelation, G-d manifests Himself as loving and forgiving.

Unlike Rashi, Targum insists the Jews did not literally eat and drink – for it would never enter their minds to do so at such a powerful time. Still, he suggests that the moment of revelation was so exalting, it was as if they ate and drank.

Although Rashi and Targum disagree as to whether the Jews actually ate or drank, both maintain that it is wrong to do so during a moment of deep spiritual experience.

Ramban sees it differently. He maintains that while the Jews did eat and drink, it was not inappropriate. They ate the peace offerings, and drank, making it "an occasion for rejoicing and festival...Such is one's duty to rejoice at the receiving of the Torah."

Here, Ramban offers a critical insight. While some insist that the pathway to spirituality is the

suppression of the body, others maintain that the pathway to G-dliness is to sanctify the physical. In fact, the very essence of halakhah is to take every moment of human existence and give it spiritual meaning.

For most faith communities, a moment of revelation could never involve eating and drinking. Ramban points out that for the Jewish people, physical enjoyment may not contradict Divine revelation. After all, the goal of Torah is to connect heaven and earth.

Once, Rabbi Samson Raphael Hirsch decided to vacation. He was asked by his followers how he could indulge himself in such frivolity. Rabbi Hirsch responded that when, after death, he would come before G-d, G-d would ask him, "Shimshon, why didn't you see my Alps?" R. Hirsch said that he wanted to have what to answer. For Hirsch, the Alps are manifestations of G-d's creative power. Through an experience of pleasure, he was able to experience the Divine.

And at the moment of revelation, we are taught a similar message. Torah is not meant to separate us from the real world of physical needs and desires. Even eating and drinking can enhance the most holy of moments ©2016 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 DOV KRAMER

Taking a Closer Look

"And these are the laws" (Sh'mos 21:1). "Wherever it says 'these' it negates the first ones, [whereas wherever it says] 'and these' it is adding onto the first ones; [here, where it says 'and these,' we are being taught that] just as the first ones were from Sinai, so too are these from Sinai" (Rashi). A straightforward reading of Rashi's words, which are based on numerous Midrashim, would seem to be that in case you thought the laws taught in Parashas Mishpatim were not taught to Moshe by G-d at [Mt.] Sinai, the "and" attached to the word "these" teaches us that they were. However, why would we think otherwise? These laws are written in the Torah right after the laws that followed the "Ten Commandments," which were obviously taught at Sinai; the nation was still there at Sinai; and it is still G-d talking to Moshe and telling him what to teach the nation. Why must we be taught that these laws were also "from Sinai"? I have come across numerous approaches to answer this question; let's take a closer look at each to see which is most likely what Rashi is teaching us.

Mizrachi says the term "Sinai" doesn't mean just Mt. Sinai (the location), but that these laws were given with the same fanfare as the "Ten Commandments," i.e. publicly (in the presence of the

entire nation) and accompanied by thunder and lightning. However, as Gur Aryeh points out (by asking three questions), this approach does not fit with Rashi's wording. First of all, he doesn't say "just as the first ones were accompanied by fanfare, so too were these," but that both were "from Sinai," a term that does not signify how loudly something was given, just where it was given (and by Whom). Secondly, if the "first ones" refers only to the "Ten Commandments," and not to the laws taught (at Sinai) between the "Ten Commandments" and the civil laws that are referred to in the word "these," and those laws were not accompanied by the same fanfare, shouldn't Rashi specify "just as the Ten Commandments were taught with fanfare, so were these laws" rather than referring to them as "the first ones"? Thirdly, when Moshe addressed the nation shortly before his death, he told the nation that "these things (referring to the Ten Commandments) G-d spoke to your entire congregation at the mountain from the midst of the fire, the cloud and the darkness with a great sound that did not cease" (D'varim 5:19), i.e. "these things" were accompanied by such fanfare, but no other laws were given that way. Or Hachayim also strongly rejects Mizrachi's approach, and even if some (e.g. L'vush) try to defend it, it would be difficult to accept it as what Rashi meant.

Bartenura points out that there is no need to teach us that these laws were taught at Sinai since we are taught elsewhere (see Rashi on Vayikra 25:1) that every mitzvah, including all of its details, was taught at Sinai (although Rashi there starts with the premise that we already know that every mitzvah was taught at Sinai; we only need to learn from there that their details were taught there too). He therefore explains the comparison to "the first ones" to be that these laws were also taught to Moshe while he was on Mt. Sinai when the "Ten Commandments" were said by G-d publicly, before the 40 days that he spent there to receive the first set of Luchos. The strongest of the questions on Mizrachi's approach applies here as well (and is even stronger); how does the term "from Sinai" teach us that they were taught on this visit to Sinai as opposed to a subsequent visit to Sinai? Additionally, what difference does it make during which trip these laws were taught? If this "fact" has little significance, why bother teaching it to us, and if there is significance to these laws being taught before Moshe went up for (his first set of) 40 days, why isn't the significance explained? Although it can be suggested that it was taught to Moshe before he went away for 40 days so that he could teach them to Aharon and Chur (and possibly the elders), who could then properly adjudicate any dispute that occurred in Moshe's absence (see Sh'mos 24:14), if this were the case I would have expected it to have been mentioned in the traditional sources. Besides, Rashi says explicitly (31:18) that

these laws were taught to Moshe during the first set of 40 days; how can Bartenura say that according to Rashi they were taught before that?

Maharai says these mitzvos are unique in that they are necessary for a functioning society, and the human mind would have thought of them (and instituted them) even without a divine command to do so. Some might have therefore thought that Moshe came up with these laws on his own, so we are taught that they were also “from Sinai,” i.e. from G-d. Tzaidah La’derech asks two questions on this approach. First of all, the last five of the “Ten Commandments” also fall into the category of “things that humans would have come up with on their own,” and yet they were obviously from G-d, so why would we think the Torah’s civil laws are any different? Secondly, the specifics (how each situation is dealt with) are not what the human mind would have come up with (he references Alshich illustrating why not), so they would not have been attributed to Moshe. Although these two points are arguable, there’s a much larger issue with this approach; how could it be thought that these laws were from Moshe (and not G-d) if G-d was addressing Moshe and telling him what to “set before them” (21:1)? Additionally, G-d refers to Himself in the first person numerous times (22:23, 22:24, 22:26, 22:28, 22:29, 22:30, 23:14, 23:15 and 23:18); how could anyone think that these laws were not from G-d? [Tzaidah La’derech’s approach, that the lesson is that the civil laws are an integral part of the Torah, is not even hinted to in Rashi’s wording.]

In the M’chilta, Rabbi Yishmael uses words similar to Rashi’s: “these add onto the ones above; just as the ones above were from Sinai, so too are the ones below from Sinai.” [Rabbi Yishmael is quoted in greater length in Mishnas Rebbe Eliezer (16:35, quoted by Midrash HaGadol), but the only part that adds to our discussion is that the “the ones above” explicitly refer to the “[Ten] Commandments.”] Or Hachayim explains Rabbi Yishmael as being consistent with his opinion (Z’vachim 115b) that even though every mitzvah was taught at Sinai, the details were not (they were taught in the Mishkan). There are several exceptions, though, where even the details were taught at Sinai (such as sh’mita); by saying “and these” rather than just “these” we are being told that even the details of the civil laws were taught at Sinai. However, as Or Hachayim himself admits, since Rashi is clearly of the opinion that the details of each and every mitzvah were taught at Sinai (see Vayikra 25:1, Rabbi Akiva’s opinion in the Talmud), it would be difficult to say that Rashi is explaining our verse according to Rabbi Yishmael’s opinion.

Rashi’s wording is most similar to (if not exactly) Rabbi Avahu’s (Sh’mos Rabbah 30:3, Midrash Tanchuma Mishpatim 3/2), even though he is not quoted as saying that just as the first ones are from Sinai so too are these. His concluding words in the

Midrashim are that “above” it says “there He set for him statute and law” (Sh’mos 15:25), referring to the laws taught at Marah (weeks before they reached Mt. Sinai). The implication is that even though the nation was taught the civil laws at Marah, these laws were repeated at Sinai. This is consistent with Rabbi Yehudah’s opinion in the M’chilta, Mishnas Rebbe Eliezer and Midrash HaGadol (where it is most explicit): “Rabbi Yehuda says that the civil laws were given to Israel at Marah before the Torah was given, as it says, ‘there He set for him statute and law.’ One might think that they were not repeated at Sinai, so the Torah says “and these are the laws.”

Although this approach fits well with Rashi’s wording, it does raise an issue. When Moshe relayed “all of G-d’s words and all of the laws” to the nation (24:3, with the same word for “laws” being used, “mishpatim”), Rashi explains “laws” to be referring to “the seven Noachide laws, and Shabbos, honoring parents, the red cow and the civil laws taught at Marah.” If, according to Rashi, the word “mishpatim” at the beginning of our Parasha refers to the civil laws taught in our Parasha, and these were the same laws taught at Marah, why does he extend the meaning of the word to also include the seven Noachide laws, honoring parents, Shabbos and the red cow? Shouldn’t the same word refer to the exact same laws, nothing more and nothing less?

There is an additional issue with the notion that the laws taught in our Parasha are exactly the same ones taught at Marah, as towards the end mitzvos that are not part of the civil laws are also taught: Sh’mita (23:10-11, although the focus is on helping the poor, which could be said to be civil law), Shabbos (23:12, which was taught at Marah, and the focus is on others being able to rest, and could be included to make sure we know that we must keep Shabbos even during sh’mita), listening to everything G-d says (23:13, which could just be a reinforcement of the civil laws), not mentioning other deities (23:12), celebrating the three holidays (23:14-18), bringing the first fruits to the Temple (23:19) and not cooking/eating meat and milk together (23:19) are all included in the “laws” taught here, even though they are not civil laws. How could this set of laws be a repetition of those taught at Marah if there are laws included here that were not first taught there?

Eshed Ha’n’chalim (a commentary on Midrash Rabbah), explaining Rabbi Avahu contrasting the civil laws taught at Marah with those taught in our Parasha, says that the details of these laws were only taught here, but not at Marah. [Bircas HaN’tziv says the same thing regarding Rabbi Yehuda’s opinion in the M’chilta.] In other words, the laws taught here are not an exact repetition of those taught at Marah, as the full details were not taught at Marah. It can therefore be suggested that when the full details were taught (at Sinai) other

laws were included in the same lesson, even if they weren't mentioned at Marah at all. For this reason, when Rashi explains the word "mishpatim" on 24:3, since this part of the narrative took place before the Torah was given (see Rashi on 24:1), he could not explain it to be referring to exactly the same thing as the word "mishpatim" at the beginning of the Parasha, which took place after the Torah was given. Nevertheless, since the civil laws were taught at Marah (without the details), we are taught (through the "and" of "and these") that these laws were not only taught at Marah, but, just as the laws taught prior to these (including the "Ten Commandments") were taught at Sinai, so too were the civil laws taught at Sinai, this time with their full details. [Working within this context, it is possible that one might have thought that Moshe filled out the details, so we are taught that everything taught here, including the details, came from Sinai.] In order to prevent our mistakenly thinking that the civil laws here were what was taught at Marah, and that they were only taught at Marah, the Torah tells us that, like all the other mitzvos, they were also taught at Sinai.

© 2016 Rabbi D. Kramer

RABBI YITZCHOK ADLERSTEIN

Meshech Chochmah

"**M**oshe came and related to the nation all the words of Hashem, and all the mishpatim. The entire nations responded, 'All the words that Hashem spoke, we will do.'" Meshech Chochmah: Are mishpatim, the laws of civil conduct, not included in the "words of Hashem" that Moshe received from Hashem, and now conveyed to the people? Why are mishpatim singled out for special treatment?

Not all mitzvos require "acceptance" in the sense of agreeing to do what we ordinarily would not. It is much easier to make the human case for observance of some mitzvos than others. We can appreciate the distinction by looking at the laws incumbent upon non-Jews -- the seven Noachide laws. One of those is called dinim, identified with a large number of laws of civil conduct that Man's rational sense tells him are essential to a stable society. (Following Ramban. Rambam takes a different, but related in regard to our topic, approach.) Laws about commerce, labor, contracts, etc. are part of the backbone of an orderly collection of human beings. Rational people understand that they are indispensable; people generally do not see enforcement of these laws -- what in our parshah the Torah calls mishpatim -- as encroaching on their civil liberties and individual rights. Non-Jews are expected to enforce these laws -- but nothing more. While they might agree on the morality of some actions and the immorality of others, this does not give them the moral right to enforce this thinking on those reluctant to join with them. Such moral compunctions should remain within the province of individual free choice. Moral

arguments beyond those which all agree upon should not be foisted upon the unwilling, even by a majority. No person has the right to dictate morality to another beyond that which G-d Himself demands.

Halachah pertaining to Klal Yisrael, however, does not accept this thinking, even though it is fundamentally sound. The nature of the interconnectedness of all Jews creates a strong argument for enforcement of all laws of the Torah, beyond the dinim that all agree upon. "All Jews are guarantors of each other," (Shavuos 39A) Chazal tell us. This means that any Jew's misconduct impacts upon the quality of life of every other Jew. The intuitive laws included under the rubric of dinim include the understanding that no person has the right to damage another, or his property. Because of the special relationship of Hashem with the Jewish people, the violation of any precept of the Torah is the equivalent of breaking a neighbor's window. The transgression of any one Jew damages the spiritual well-being of all other Jews. What otherwise would be part of the personal domain of choice of every person now becomes an item of collective interest and concern.

In the pesukim that follow, the Torah's description of the Bnei Yisrael's acceptance of mitzvos changes subtly. At first, they say, "All the words that Hashem spoke, we will do." There is no mention of mishpatim, of the laws whose necessity is universally recognized, and that were explicitly mentioned in the preceding phrase. A few pesukim later, (Shemos 23:8) however, they attach the famous words "naaseh v'nishma" to "all that Hashem spoke" -- without further references to "words" or to "mishpatim."

Here is what happened. In our pasuk, the Bnei Yisrael hear both the "words" of Hashem and the mishpatim. They react to the former, which mean the mitzvos that we obey only because we heard them from Him, but not because we understand their importance even without being commanded. They react by accepting them in particular; the mishpatim, they believe, don't require any special acceptance. They are part of the civilized human condition. The "words" of Hashem, however, they eagerly accept. That is, each man and woman accepted them as their personal, individual obligation. They did not see themselves meddling in the spiritual choices and affairs of others.

Before we get to the other verse that speaks of the Bnei Yisrael accepting Hashem's orders, the people are readied and prepared for a covenant. Moshe will formally inaugurate the bris by soon sprinkling them with the blood of offerings. (Shemos 24:8) But first, presumably, they learn about the implications of that bris.

They learn that the relationship between G-d and His people is such that our fates and destinies are all interdependent. They understand that His providential management of the affairs of the nation

depends on the spiritual level of the nation as a whole, not on the righteousness of individuals alone. Any one person's transgression, therefore, impacts upon every other person's life. In other words, all the other mitzvos of the Torah have now become similar to mishpatim. Just as the latter are a communal responsibility because violations of laws of theft, bailments, torts, etc. directly threaten the well-being of others, so are all other commandments. The community as a whole becomes a stakeholder in the religious observance of every Jew.

Thus, when they react to the new bris, they announce that they are accepting all the words of Hashem ­ -- equally, and without differentiating between them. Moreover, the acceptance has now moved from the arena of personal conscience to the protection of the entire nation. (Based on Meshech Chochmah, Shemos 24:3) © 2016 Rabbi Y. Adlerstein & torah.org

HARAV SHLOMO WOLBE ZT"L

Bais Hamussar

When Adam was created, good and evil were clearly defined. After he sinned by eating from the eitz hadaas, the evil entered his body. It became part of his spiritual makeup, thereby causing the ability to distinguish between good and evil to become much more difficult. Fortunately, as we will see, this confusion is a malady which is limited to the confines of the heart.

The Chovos Ha'Levovos tells us (Avodas Ha'Elokim chap. 5) that our intellect does not suffer from this difficulty. Moreover, it is clear from his words that the intellect is the tool that we were given to enable us to properly navigate our way through this world without crashing into the roadblocks of evil that were erected after Adam's sin. "One is to acknowledge Hashem by way of his intellect... What brings a person to this acknowledgment is one's clarity of the fact that Hashem implanted in the intellect the ability to recognize the praiseworthiness of truth and the deceit of falsehood, and the value to choose good and to refrain from evil." What people refer to as one's "conscience," should more correctly be labeled "the intellect granted to him by his Creator."

However, says Rav Wolbe (Daas Shlomo), there is a hitch in the intellect's ability to guide a person. This obstacle is spelled out in this week's parsha. "Do not accept a bribe (shochad), for a bribe blinds the eyes of the wise" (Shemos 23:8). The Gemara in Kesubos (105b) explains that the word "shochad" is actually a compound word -- "she'hu chad" -- "that he is one." A judge who accepts a bribe becomes one with the person who offered the bribe, and consequently does not have the ability to evaluate the situation objectively.

When one's hand accepts a bribe, his intellect becomes paralyzed. Additionally, a bribe does not have

to come solely by way of the transfer of money from hand to hand. Our heart's desires are one of the biggest bribes that will ever be offered to us. These too have the ability to cause our hearts and minds to become one and cause the intellect to no longer be able to properly appraise life's circumstances.

Our intellect can be compared to a compass. The needle of a compass always points to the north. However, put a small magnet next to the compass and it will throw off its sense of direction. Likewise, when we place a small desire next to our intellect, it throws off our sense of direction and thus our ability to navigate through the world.

So what are we supposed to do? How can we be guaranteed that what our intellect tells us is really true? The answer to this question can also be found in the Chovos Ha'Levovos (ibid. chap. 3). It was for this reason that we were given the Torah. The Torah is the ultimate compass. It was given to us from the hand of the Creator and therefore it is certainly not adulterated by human desires. He Who created the maze, also gave us the guide to find our way. Even if we ourselves have not succeeded in mastering the information, we always have our Torah leaders who are happy to show us the way. © 2016 Rabbi S. Wolbe zt"l & AishDas Society

RABBI KALMAN PACKOUZ

Shabbat Shalom Weekly

The Torah states: "If a person steals an ox or a sheep and slaughters it or sells it, he must pay five oxen for an ox and four sheep for the sheep" (Exodus 21:37). Why is the fine for stealing a sheep less than the fine for stealing an ox? What lesson can we learn from this for our lives?

Rashi, the great 13th century commentator, cites the Sages of the Talmud that the reason the thief pays less for a sheep is because he has to carry it on his shoulders to run away faster when stealing it. Running with a sheep on one's shoulders in public is embarrassing and this embarrassment is a partial punishment in itself. Rabbi Simcha Zissel of Kelm comments that if even a coarse thief experiences a slight embarrassment which lightens the punishment, then all the more so if one suffers embarrassment or humiliation while doing a good deed, the action is elevated and the reward will be very great!

Our lesson: According to the pain and difficulty of performing a mitzvah is the reward. If others mock or denigrate your efforts to do a mitzvah, then focus not on the temporal pain but the greatness and the eternity of the reward! *Dvar Torah based on Growth Through Torah by Rabbi Zelig Pliskin*
© 2016 Rabbi K. Packouz & aish.com

