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Toras Aish

Thoughts From Across the Torah Spectrum

RABBI LORD JONATHAN SACKS

Covenant & Conversation

Our parsha takes us through a bewildering transition. Until now in Shemot we have been carried along by the sweep and drama of the narrative: the Israelites' enslavement, their hope for freedom, the plagues, Pharaoh's obstinacy, their escape into the desert, the crossing of the Red Sea, the journey to Mount Sinai and the great covenant with God.

Suddenly, now, we find ourselves faced with a different kind of literature altogether: a law code covering a bewildering variety of topics, from responsibility for damages to protection of property, to laws of justice, to Shabbat and the festivals. Why here? Why not continue the story, leading up to the next great drama, the sin of the golden calf? Why interrupt the flow? And what does this have to do with leadership?

The answer is this: great leaders, be they CEOs or simply parents, have the ability to connect a large vision with highly specific details. Without the vision, the details are merely tiresome. There is a well-known story of three men who are employed cutting blocks of stone. When asked what they are doing, one says, "Cutting stone," the second says, "Earning a living," the third says, "Building a palace." Those who have the larger picture take more pride in their labour, and work harder and better. Great leaders communicate a vision.

But they are also painstaking, even perfectionist, when it comes to the details. Edison famously said, "Genius is one percent inspiration, ninety-nine percent perspiration." It is attention to detail that separates the great artists, poets, composers, film-makers, politicians and heads of corporations from the merely average. Anyone who has read Walter Isaacson's biography of the late Steve Jobs knows that he had an attention to detail bordering on the obsessive. He insisted, for example, that all Apple stores should have glass staircases. When he was told that there was no glass strong enough, he insisted that it be invented, which it was (he held the patent).

The genius of the Torah was to apply this principle to society as a whole. The Israelites had come through a transformative series of events. Moses knew there had been nothing like it before. He also knew, from God, that none of it was accidental or incidental. The Israelites had experienced slavery to make them cherish freedom. They had suffered, so that they would know what it feels like to be on the wrong side of tyrannical power. At Sinai God, through Moses, had given them a mission statement: to become "a kingdom of priests and a holy nation," under the sovereignty of God alone. They were to create a society built on principles of justice, human dignity and respect for life.

But neither historical events nor abstract ideals – not even the broad principles of the Ten Commandments – are sufficient to sustain a society in the long run. Hence the remarkable project of the Torah: to translate historical experience into detailed legislation, so that the Israelites would live what they had learned on a daily basis, weaving it into the very texture of their social life. In the parsha of Mishpatim, vision becomes detail, and narrative becomes law.

So, for example: "If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything" (Ex. 21: 2-3). At a stroke, in this law, slavery is transformed from a condition of birth to a temporary circumstance – from who you are to what, for the time being, you do. Slavery, the bitter experience of the Israelites in Egypt, could not be abolished overnight. It was not abolished even in the United States until the 1860s, and even then, not without a devastating civil war. But this opening law of our parsha is the start of that long journey.

Likewise the law that "Anyone who beats their male or female slave with a rod must be punished if the slave dies as a direct result" (Ex. 21: 20). A slave is not mere property. He or she has a right to life.

Similarly the law of Shabbat that states: "Six days do your work, but on the seventh day do not work, so that your ox and your donkey may rest, and so that the slave born in your household and the foreigner living among you may be refreshed" (Ex. 23: 12). One day in seven slaves were to breathe the air of freedom. All three laws prepared the way for the abolition of slavery, even though it would take more than three thousand years.

There are two laws that have to do with the Israelites' experience of being an oppressed minority: "Do not mistreat or oppress a stranger, for you were strangers in Egypt" (Ex. 22: 21) and "Do not oppress a stranger; you yourselves know how it feels to be foreigners, because you were foreigners in Egypt. (23: 9).

And there are laws that evoke other aspects of the people's experience in Egypt, such as, "Do not take

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advantage of the widow or the fatherless. If you do and they cry out to me, I will certainly hear their cry" (Ex. 22: 21-22). This recalls the episode at the beginning of the Exodus, "The Israelites groaned in their slavery and cried out, and their cry for help because of their slavery went up to God. God heard their groaning and he remembered his covenant with Abraham, with Isaac and with Jacob. So God looked on the Israelites and was concerned about them. (Ex. 2: 23-25).

In a famous article written in the 1980s, Yale law professor Robert Cover wrote about "Nomos and Narrative."[1] By this he meant that beneath the laws of any given society is a nomos, that is, a vision of an ideal social order that the law is intended to create. And behind every nomos is a narrative, that is, a story about why the shapers and visionaries of that society or group came to have that specific vision of the ideal order they sought to build.

Cover's examples are largely taken from the Torah, and the truth is that his analysis sounds less like a description of law as such than a description of that unique phenomenon we know as Torah. The word "Torah" is untranslatable because it means several different things that only appear together in the book that bears that name.

Torah means "law." But it also means "teaching, instruction, guidance," or more generally, "direction." It is also the generic name for the five books, from Genesis to Deuteronomy, that comprise both narrative and law.

In general, law and narrative are two distinct literary genres that have very little overlap. Most books of law do not contain narratives, and most narratives do not contain law. Besides which, as Cover himself notes, even if people in Britain or America today know the history behind a given law, there is no canonical text that brings the two together. In any case in most societies there are many different ways of telling the story. Besides which, most laws are enacted without a statement of why they came to be, what they were intended to achieve, and what historical experience led to their enactment.

So the Torah is a unique combination of nomos and narrative, history and law, the formative experiences of a nation and the way that nation sought to live its collective life so as never to forget the lessons it learned along the way. It brings together vision and detail in a way that has never been surpassed.

That is how we must lead if we want people to come with us, giving of their best. There must be a vision to inspire us, telling us why we should do what we are asked to do. There must be a narrative: this is what happened, this is who we are and this is why the vision is so important to us. Then there must be the law, the code, the fastidious attention to detail, that allow us to translate vision into reality and turn the pain of the past into the blessings of the future. That extraordinary combination, to be found in almost no other law code, is what gives Torah its enduring power. It is a model for all who seek to lead people to greatness.

[1] Robert Cover, 'Nomos and Narrative,' Foreword to the Supreme Court 1982 Term (1983), Yale Faculty Scholarship Series, Paper 2705; http://tinyurl.com/nknf2m3.

RABBI BEREL WEIN

Wein Online

The Torah reading of this week deals with the difficulties and pettiness of human life. I find this to be extraordinary since only last week the Torah dealt with the exalted principles and values system of holiness as represented by the Ten Commandments.

It seems to be a letdown to have to speak about oxen goring and people fighting, enslaving and damaging one another when we were apparently just elevated to the status of being a kingdom of priests and a holy nation.

The beginning point of the education of many a Jewish child in Mishna and in Talmud is located in the very prosaic laws of torts and damages discussed in this week's Torah reading. In effect the law book part of the Torah begins by showing us people at their worst behavior and weakest moments. Would it not be more inspiring if the Torah somehow began this detailed part of Jewish law with more inspiration and spirituality?

Yet we are all aware that the most studied volumes of the Talmud - the real meat and potatoes - are those tractates that deal with many of the laws presented in this week's Torah reading. The rabbis in fact advised us to study these laws of torts and of human failures, translated into negative actions and behavior, in order to sharpen our brains and somehow make us wiser.

And most of the study effort concerns itself with how to deal with the damage and hurt that has already been done and very little time and effort, so to speak, with the moral strength necessary to prevent these very damaging events from occurring.

The Torah is a book of reality. It does not gloss over situations nor is it in the least bit hagiographic in dealing with the main characters that appear in its narrative. The perfect Torah speaks to a very imperfect world. The Torah does not allow us to have illusions

about how people will behave when money, emotions, negligence and spite are present in society and in the lives of people.

Slavery is wrong, perhaps the greatest wrong, but it has been a fact of life in human history till and including our time. Slavery breeds inequity and as we have witnessed time and again ending slavery does not in any way end bigotry.

The Torah comes to address the how and why of overcoming this inequity and of making slavery subject to such rigorous legal restraints as to prompt the Talmud to say that he who acquires a slave for himself in reality is acquiring a master for himself.

People will be people, damages and hurts will occur and the temptation of wealth and money will not disappear from the face of this earth. Therefore we have to have a set of rules and an ability to deal with these problems so that they do not completely consume us. The Torah, of necessity, must propose a program of compensation to help the victims and restrain the perpetrators. It is this recognition of human behavior that sets the Torah apart from all other so-called spiritual and religious texts. These assume the best of behavior and values. The Torah makes no such assumption. It is the book of reality and the most holy of all works.

RABBI SHLOMO RISKIN

Shabbat Shalom

"These are the statutes which you [the Israelites] shall place before them [the religious judges]" (Ex. 21:1). If two religiously observant Jews are engaged in a disagreement that has financial ramifications, are they permitted to go to a secular court to arbitrate their dispute or must they go to a religious court (beit din)? Is the law different in Israel, which has both religious and secular court systems, but where even the secular court judges are Jewish? And if, indeed, Jews are religiously ordained to go exclusively to religious courts, why is this so? After all, the nonreligious judicial system in Israel and the secular courts in America are certainly fair and equitable.

Our Torah portion this week provides interesting responses to these questions. It opens with the command quoted above: "These are the statutes which you [the Israelites] shall place before them [the religious judges]."

Rashi, the biblical commentator who lived in France from 1040 to 1105, cites the talmudic limitation (B.T. Gittin 88): "Before the religious judges and not before gentile judges. And even if you know that regarding a particular case they [the gentile judges] would rule in the same way as the religious judges, you dare not bring a judgment before the secular courts. Israelites who appear before gentile judges desecrate the name of God and cause idols to be honored and praised."

According to this passage, it would seem that the primary prohibition is against appearing before gentile judges who are likely to dedicate their legal decision to a specific idol or god; it is the religion of the judge and the idolatry involved, rather than the content of the judgment, which is paramount. From this perspective, one might conclude that Israeli secular courts - where most of the judges are Jewish - would not be prohibited, and this is the conclusion of Rabbi Prof. Yaakov Bazak. Secular courts in America - where there is a clear separation between religion and state in the judiciary - would likewise be permitted.

However, the great legalist and philosopher Maimonides (1135-1204) would seem to support another opinion. Although he begins his ruling: "Anyone who brings a judgment before gentile judges and their judicial systems is a wicked individual" - emphasizing the religious or national status of the judge rather than the character of the judgment - he concludes, "And it is as though he cursed and blasphemed [God], and lifted his hand against the laws of Moses". (Laws of the Sanhedrin 26: 7).

Apparently, Maimonides takes umbrage with a religious Jew going outside the system of Torah law, thereby disparaging the unique assumptions and directions of the just and righteous laws of God.

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

"If you lend money to my nation, to the poor person with you, you may not act as a creditor to him, you may not charge him interest. And if you accept your friend's cloak from him as security for the loan, you must return the cloak to him before sunset. Because it may be his only cloak and [without it], with what [cover] will he lie down? And if he cries out to Me, I shall hear because I am gracious." (Ex. 22:25-27)

Maimonides believed very profoundly in the compassionate righteousness of Jewish law, a law derived from a God of love and compassion taking into account the necessity of ameliorating human suffering, hence he rules that anyone who trades our legal system for a secular one is "a wicked individual, cursing and blaspheming God, lifting his hand against the Laws of Moses."

Indeed, in his Laws of Slaves, Maimonides clearly sets down a meta-halachic principle that must take precedence over biblical and Talmudiclaws such as permissibility to work a gentile slave with vigor: "Even though the law is such, the trait of piety and the path of wisdom insists that an individual be compassionate and a pursuer of righteousness, understanding that from one womb emanated both the master and slave, that

one womb formed them both" (Job 31:15). And he concludes by insisting that we are commanded to emulate God's traits and to be compassionate (as God is) toward all His creations. "And it is that principle of compassion which we must always express in executing our laws." (Laws of Slaves 9:8)

As I study the Talmud, pore over our responsa literature throughout the generations and ponder the halachic decisions I heard from my master and teacher Rabbi J.B. Soloveitchik and from Rabbi Moshe Feinstein (with whom I was privileged to spend a year of Friday mornings discussing practical halachic issues), I could not agree more with Maimonides's prohibition of eschewing rabbinical courts in favor of secular ones.

But when I study many of the recent responsa of the rabbinical courts of the Chief Rabbinate, when I see how many of the Israeli rabbinical judges rule in accordance with the stringencies of Rav Elyashiv and refuse to obligate recalcitrant husbands to grant divorces to their suffering wives, when I watch the emotional torture (yes, torture) many sincere converts must undergo at the hands of some insensitive judges blind to the biblical command of loving the stranger, my heart weeps to think that there might be more compassion on the part of the secular courts. I write these words with sighs and sobs; and I believe that God and the Torah are sighing and sobbing as well.

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, God 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 Godliness 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 God, God 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 God'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.

RABBI DOV KRAMER

Taking a Closer Look

"Behold I am sending a messenger before you" (Sh'mos 23:20). Rashi explains this "messenger" to be the angel who would have been sent to lead the nation after the sin of the golden calf had Moshe not pleaded with G-d that He should still lead the nation, not an angel (Sh'mos 33:15-16 and 34:9). This angel was eventually sent to lead the nation after Yehoshua took over as leader (see Ramban on 33:21).

This explanation raises several issues, including why G-d would mention the angel He wanted to send after they sinned if at this point they hadn't sinned yet, and why Moshe didn't protest (this first time) when he was told that G-d didn't plan on leading the nation Himself.

Another issue it raises is based on the borders that G-d set here for the Land of Israel, "from the Sea of Reeds until the Sea of the P'lishtim and from the desert until the river" (Sh'mos 23:31). One of these boundaries is the Sea of Reeds (Yam Suf, or Red Sea), the sea that, immediately after the exodus from Egypt, G-d had miraculously split in order to allow the nation to cross before drowning their former oppressors in it. As this sea surrounds the Sinai Peninsula on three sides, it was the western part that they crossed (into the Sinai Peninsula from Egypt), and the eastern part that (according to most) is referred to here as the eastern border of Israel. However, when the boundaries are described prior to the nation entering the land

(Bamidbar 34:3), the southeastern corner is the bottom of the Dead Sea, which is much further north than Etzyon Gever (modern day Eilat), by the Gulf of Aqaba (the northeastern leg of the Red Sea). Why is the border here given as the Sea of Reeds rather than the Dead Sea? Besides, the border never actually reached that far south. Even at Israel's height (during the reign of King Solomon), the nation that lived by Etzyon Gever feared the Kingdom of Israel, and therefore sent it gifts, as well as following whatever it was asked or told to do (see M'lachim I 8:26-28), but was not actually part of the Land of Israel.

It would also be difficult to ascribe this boundary to any time other than Moshe's, as the verses immediately prior to this are describing the initial conquest of the land. We are even told that they didn't conquer it in its entirety because it was too vast for the size of the nation at the time, with these borders being given in order to show just how vast the Land of Israel was (see Ibn Ezra and Malbim). If the nation never conquered enough land to make the Yam Suf its boundary, why is it mentioned here with the other boundaries?

Many commentaries (i.e. Ibn Ezra, Ralbag, Radak, Metzudas Dovid and Rashi) equate the boundaries listed here with those in Tehillim 72:8 ("and he had dominion from sea to sea and from the river to the edge of land") and/or to Zecharya 9:11 ("and he ruled from sea to sea and from the river to the edge of land"). The Ibn Ezra, Radak and Metzudas Dovid say the former can apply either to King Solomon (which is why he only "has dominion" but doesn't "rule") or to Moshiach, while the latter applies to Moshiach. The question is therefore not why the Yam Suf is given as a boundary at all, but why is it given as a boundary in our Parasha, speaking to the nation that had just come out of Egypt and would (have) shortly start(ed) conquering the land. Similarly, the "river" mentioned as the fourth boundary is the Euphrates, which also wasn't conquered during the initial conquest and usually refers to what the boundaries will eventually be. Why were two boundaries mentioned here that were not relevant to Moshe or Yehoshua?

Rabbeinu Avraham ben HaRambam says that the boundaries given here are those implied in the words "And when G-d will widen your boundaries as he swore to your fathers, and He gives you all of the land that He spoke of giving your fathers" (D'varim 19:8; the second "fathers" referred to here might be the generation that came out of Egypt, while the first "fathers" refers to the Patriarchs). This is how Midrash Lekach Tov and Midrash Aggadah explain the boundaries given in our Parasha, as does the Mechilta (Bo 12). Why were these future boundaries given here? It would seem that since the sin of the golden calf (and of the spies) hadn't occurred yet, these would have actually been the borders had they entered now; it was only after they sinned that the borders were scaled back, to be expanded in the distant future.

Which brings us to the additional issue with Rashi's explanation of the "angel" G-d referred to; How could G-d tell them how the nation will be led after they sin (i.e. by an angel) if just a few verses later He sets the boundaries of the land they will be led to based on them not sinning? Was G-d telling the nation what things will be like because they are going to sin, or how they would have beeen if they didn't?

Rambam (Moreh Nevuchim 2:34), as well as Ralbag, Rosh, Bechor Shor and Midrash HaGadol (in our Parasha), understand the "messenger" G-d will send to lead the nation to the Promised Land to be a prophet (i.e. Moshe and then Yehoshua). Vayikra Rabbah (1:1) quotes numerous verses where a prophet is referred to as G-d's "messenger." Sh'mos Rabbah (32:2) says that G-d's was presenting the nation with a choice; "if you merit it, I (G-d) Myself will lead you," but if not, "I will give you over to a messenger." It can therefore be suggested that the word "messenger" in our verse has a dual meaning (see page 5 of www.aishdas.org/ta/5764/mishpatim.pdf for another example of a possible dual meaning in our Parasha); if you don't sin, the "messenger" referred to will mean a prophet (Moshe, who will take directions directly from G-d), but if you do sin, it will mean an angel (placing an additional layer between G-d and the nation). Alternatively, it could refer to an angel who is a messenger (such as Micha'el) or the angel who speaks directly for G-d ("Matatron," see Rambam on Sh'mos 12:12 and 23:21), depending on whether or not we sin. Either way, G-d was telling them that there is more than one possibility as to how the nation will be lead, depending on their behavior.

After laying out all of the laws in Parashas Mishpatim, G-d told the nation that the way He will relate to them depends on how they will relate to Him; it could be a more direct relationship or a less direct relationship. If they fulfill the mitzvos properly, it will be a more direct relationship, including inheriting a larger amount of land (with wider boundaries). Moshe didn't protest (yet) because G-d wasn't saying that He will definitely send an angel instead of Him, but that it was a possibility. Unfortunately, that possibility became a reality, at which point Moshe did protest.

RABBI DOVID SIEGEL

Haftorah

This week's haftorah, read in conjunction with Parshas Sh'kalim, focuses on King Yehoash's successful campaign to repair the Bais Hamikdash. Prior to his reign, the Bais Hamikdash saw serious neglect and necessitated extensive renovations to restore it to its splendor. When Yehoash came to power he responded to the problem and instructed the kohanim to collect the necessary funds. After their

unsuccessful attempt Yehoash personally spearheaded the appeal and elicited an overwhelming response.

The background for this neglect is explained in Divrei Hayamim wherein Scriptures severely blame the wicked Queen Atalya and her family. (ibid 2:23) Her royal family disgraced the holiest structure on earth by carelessly roaming inside it, bringing much damage to its interior and structure. The Jewish people realized the problem and consistently donated funds towards the Bais Hamikdash's repair. However, the wicked sovereign constantly misappropriated the funds and channeled them towards her idolatrous practices. Once King Yehoash assumed the throne he removed idolatry from the royal family and faithfully directed the funds to the Bais Hamikdash. After years of neglect the holy structure finally returned to its physical beauty.

This development reminds us of the Jewish people's experience during its formative years. We read in the maftir portion of Parshas Shkalim about the half shekel contributions. This collection was dedicated to the Sanctuary and served in part for the Jewish people's atonement from making their most shameful plunge in history. (see Daas Z'kainim S'hmos 30:13) This came after Hashem showered His people with abundant wealth while leaving Egypt. In addition to all these Egyptian gifts (loans) Hashem presented His people at the Sea of Reeds all of Egypt's wealth. This additional wealth proved too much for the Jewish people to absorb who viewed it as a heavy surplus. During their severest moment of despair they succumbed to Egyptian influence and applied these precious gifts towards the infamous Golden Calf. Hashem responded harshly to this offense and the Jewish people sincerely repented for their inexcusable behavior. Hashem accepted their repentance and invited them to participate in the erection of the Sanctuary. They learned their lesson well and immediately dedicated their wealth towards Hashem's magnificent sanctuary. This comeback displayed their true approach to wealth and deemed them worthy of Hashem's Divine Presence for the next thousand years.

Parshas Sh'kalim's maftir reading and its accompanying haftorah are a most befitting introduction to the month of Adar. We read in Megillas Esther (3:9) that the wicked Haman offered the foolish, wicked King Achasveirosh ten thousand silver blocks in exchange for the Jewish people. Haman intended to use this manneuver to destroy the entire Jewish nation. The Sages teach us that Haman's efforts were preempted by the Jewish people's annual Adar donation to the Bais Hamikdash. By no coincidence, Hashem instructed the Jewish nation to annually donate this exact sum of ten thousand silver blocks to the Bais Hamikdash. Hashem said, "Let the Jewish nation's (funding of) ten thousand blocks preempt Haman's (influence on the king with his) ten thousand blocks". (see Mesichta Megilla 13b and Tosfos ibid 17a).

The apparent message here is that the Jewish people's annual donation reflected their attitude towards wealth and power. They consistently allocated their funds to the worthiest of all causes by contributing ten thousand silver blocks to the Sanctuary/Bais Hamikdash. This pure approach to wealth and power shielded the Jewish people from Haman's financial influence. Because they truly understood the value of wealth and did not become adversely effected by it Hashem placed them outside of Haman's financial power. Eventually, the king would and did see through Haman's madness and was not blinded by this financial influence.

These valuable lessons are a perfect introduction to the month Adar and Purim. They remind us of the benefits of money when allocated in the proper ways. During King Yehoash's reign sincere financial funds restored the Bais Hamikdash to its original splendor. During earlier times donations helped atone for the Jewish people's worst plunge in history. And during the days of Purim in the month of Adar our annual charitable donations helped spare us from our worst enemy in history.

This timely insight sheds colorful light on Purim's unique mitzvos. Unlike all Yomim Tovim, Purim revolves around acts of generosity. It calls upon us to direct our funds to the constructive causes of half shekel donations, alms to the paupers and food to our friends. Our eagerness and zeal to fulfill these mitzvos reflect our true approach towards wealth and display our generosity as a very noble trait. Our understanding of money's true value places us outside of our enemies' hostile financial influence. In addition, it unites us as a people and qualifies us to reunite with Hashem and merit His return to the Bais Hamikdash and His cherished people.

RABBI LABEL LAM

Dvar Torah

"And if a person opens a pit, or if a person digs a pit and does not cover it, and a bull or a donkey falls into it, the owner of the pit shall pay; he shall return money to its owner, and the dead body shall be his." (Shemos 22:33-34)

"'the owner of the pit': [This refers to] the creator of the obstacle [i.e., the pit], although the pit is not his, for he made it in a public domain, Scripture made him its owner, insofar as he is liable for its damages. -- [Bava Kama. 29B]" -- Rashi

At some point the Torah begins to sound like a law book. Anyone who knows even a little about the Written Torah realizes that it is an incomplete law book. There is not one Mitzvah that can be performed without detailed explanations from the Oral Torah as can be discovered in the Talmud. Giant volumes are launched from single lines in this week's portion. Therefore if one listens in on the discussions in Beis Midrash, a study hall, where they are learning, for example Bava Kama,

the tractate busy with damages, one would likely hear amidst the din a conversation about this "din"-judgment or that din. You might think you have just found yourself transplanted to a law school.

Is it everyone's business to become a lawyer? What is the special goodness that flows from all that focus on the minutiae of property law and small claims if so few will become true judges and lawyers?

One of my Rebbeim once told us about a mystifying incident his wife had encountered. She was walking along Maple Avenue in Monsey on the side of the street opposite the home of Rabbi Mordechai Schwab ztl., the acclaimed "Tzadik of Monsey". She was struck by the sight of Rabbi Schwab in front of his house with a large pair of pruning shears. There was the elder Rabbi himself cutting branches zealously like any ordinary gardener. She watched in wonderment and amazement. Why was this great Rabbi trimming tree branches by himself? When he noticed that she was watching, he looked up seeking to cure her curiosity he told her, "It's a Chessed! (An act of kindliness) It's a Chessed!"

By the time she came home and reported the incident to her husband she was even more mystified. What had he meant? What was the Chessed in cutting tree branches? Was it that the trees need relief, like a haircut? How was it a Chessed to the tree?

Her husband listened and instantly realized what was going on. The tree he was working on was on his property but its branches were reaching into the public domain. He clearly wanted to avoid the possibility that his tree could cause damage to a passerby with its low hanging limbs. This was his tree. Although it was rooted on his property, he was the owner of what is the equivalent of an open pit in the public domain that needs to be covered.

He was being responsible to others. No one should get poked in the eye, or have their Shabbos hat knocked off and get soiled on account of his tree. That was the Chessed.

Amongst the many practical aspects of learning Bava Kama and all the myriad details about damages is to become a more responsible citizen and to learn the thousands and millions of ways a person should be extra careful not to be the cause of harm to others.

Something as simple as leaning back in a chair is not only hazardous to the one rocking back but it also challenges the structural integrity of even the strongest of chairs. You'd be surprised how many metal legs give way in seemingly structurally sound metal chairs. In school we remove a few from circulation every week.

The Jewish People accepted the Torah on condition of becoming "a Holy Nation" that goes beyond mere civility where it is the thin blue line of policing deters people from wrong doing. No, every individual needs to be aware of his responsibility to people and their property too. Kindliness is not only scheming what we can do to help but thinking ahead about avoiding what might hurt. In that way it is a Chessed!

RABBI MORDECHAI KAMENETZKY

Sealed and Delivered

This parsha is called Mishpatim. Simply translated it means ordinances. The portion entails laws that deal with various torts and property damages. It discusses laws of damages, of servitude, of lenders and borrowers, employers and laborers, laws of lost items and the responsibilities of the finder. Many of these mitzvos that are discussed in the section of Shulchan Aruch Choshen Mishpat. But there are quite a few mitzvos mentioned that engage the purely spiritual quality of the Jew. Some of them deal with kosher restrictions, others with our relationship with the Almighty.

One verse that deals with the requirement of shechita (ritual slaughter) begins with a prelude regarding holiness. "People of holiness shall you be to Me; you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it (Exodus 22:30). The question is simple. There are many esoteric mitzvos whose only justifiable reason is spiritual. Why does the Torah connect the fact that Jews should be holy with their prohibition of eating meat that was torn as opposed to ritually slaughtered? There are myriad mitzvos that require self-control and abstention. Can there be another intonation to the holiness prelude?

(I heard this amazing story a number of years ago from a reliable source; I saved it until I was able to use it as an appropriate parable to answer a scriptural difficulty. I hope that this is it!)

Dovid, a serious yeshiva student, boarded the last flight out of Los Angeles on his way back to his Yeshiva in New York. He was glad that they were going to serve food as he had left his home in a rush and did not get a chance to eat supper. Sitting next to him on the airplane, was a southern fellow who knew little about Judaism, and considered Dovid a curiosity. As the plane flew eastward, he bantered with Dovid about Jews, religion and the Bible, in a poor attempt to display his little bits of knowledge. Hungry and tired Dovid humored him with pleasantries and not much talking. He was pleased when his kosher meal was finally served. The kosher deli sandwich came wrapped in a plastic tray, and was sealed with a multiple array of stickers and labels testifying to its kosher integrity. His new-found neighbor was amused as Dovid struggled to break the myriad seals and reveal the sandwich, which unbelievably looked just as appetizing as the non-kosher deli sandwich the airline had served him.

"Hey," he drawled, "your kosher stuff doesn't look too bad after all!" Dovid smiled and was about to take his first bite into the sandwich when he realized that he had to wash his hands for the bread. He walked to the back of the plane to find a sink. It took a little

while to wash his hands properly, but soon enough he returned to his seat. His sandwich was still on his tray, nestled in its ripped-open wrapping, unscathed.

And then it dawned upon him. There is a rabbinic ordinance that if unmarked or unsealed meat is left unattended in a gentile environment, it is prohibited to be eaten by a Jew. The Rabbis were worried that someone may have switched the kosher meat for non-kosher.

Dovid felt that in the enclosed atmosphere of an airplane cabin, nothing could have happened. After all, no one is selling meat five miles above earth, and would have reason to switch the meat, but a halacha is halacha, the rule is a rule, and Dovid did not want to take the authority to overrule the age-old Halacha.

Pensively he sat down, made a blessing on the bread and careful not to eat the meat, he took a small bite of the bread. Then he put the sandwich down and let his hunger wrestle with his conscience. "Hey pardner," cried his neighbor, "what's wrong with the sandwich?"

Dovid was embarrassed but figured; if he couldn't eat he would talk. He explained the Rabbinic law prohibiting unattended meat and then added with a self-effacing laugh, "and though I'm sure no one touched my food, in my religion, rules are rules."

His neighbor turned white. "Praise the L-rd, the Rabbis, and all of you Jewish folk!" Dovid looked at him quizzically.

"When you were back there doin' your thing, I says to myself, "I never had any kosher deli meat in my life. I thought I'd try to see if it was as good as my New York friends say it is!

Well I snuck a piece of pastrami. But when I saw how skimpy I left your sandwich, I replaced your meat with a piece of mine! Someone up there is watching a holy fellow such as yourself!"

The Pardes Yosef explains the correlation of the first half of the verse to the second with a quote from the Tractate Yevamos. The Torah is telling us more than an ordinance. It is relating a fact. "If you will act as a People of holiness then you shall not eat flesh of an animal that was torn in the field; to the dog shall you throw it. The purity of action prevents the mishaps of transgressions. Simple as that. Keep holy and you will be watched to ensure your purity. Sealed and delivered.

SHLOMO KATZ

Hama'ayan

"If the slave shall say, 'I love my master, my wife, and my children; I shall not go free,' then his master shall bring him to the court and shall bring him to the door or to the doorpost, and his master shall bore through his ear with the awl, and he shall serve him forever." (21:5-6) Rashi z"l writes: "Why is the ear pierced rather than any other limb of the slave's body? Rabban Yochanan ben Zakkai said, 'The ear which heard on Har Sinai, "You shall not steal!" yet its owner went and stole, and he was therefore sold as a slave, should be pierced. Or, in the case of one who sold himself because of poverty, having committed no theft, the reason is: The ear which heard on Har Sinai, (Vayikra 25:55), "For to Me Bnei Yisrael are servants," yet its owner went and procured another master for himself, should be pierced'."

A Jewish slave's ear is not pierced until he has served for six years and he then refuses to go free. If the ear-piercing is a punishment for selling himself, why wasn't it done six years earlier?

R' Ovadiah Mi'Bartenura z"l (approx. 1445-1515; Italy and Eretz Yisrael; author of the eponymous Mishnah commentary) explains: Originally, he sold himself because of need. For that, he doesn't deserve punishment. But, the Torah has pity on him and limits his term of service to six years. If he nevertheless wants to continue under a master other than G-d, he is deserving of punishment. (Amar Neka)

We could likewise ask: If the ear-piercing is a punishment for a theft that the slave committed, why wasn't his ear pierced six years earlier when he committed the theft?

R' Moshe Silver z"l (Yerushalayim; early 20th century) explains: The mere fact that he is sold as a slave is punishment for his theft; he does not need or deserve a second punishment. But, if he later says, "I enjoy being a slave," then it turns out that he was not punished at all. Therefore, he now deserves a new punishment, i.e., to have his ear pierced, because he violated the commandment which his ear heard, "You shall not steal." (Chashukei Kessef)

"Against the great men of Bnei Yisrael, He did not stretch out His hand--they gazed at Elokim, and they ate and drank." (24:11) Rashi z"l comments: "This implies that they were deserving of Hashem stretching out His hand against them." What was their sin?

R' Mordechai Banet z"l (1753-1829; rabbi of Nikolsburg, Moravia) explains: The Aramaic translation Targum Yonatan states, "They rejoiced at the acceptance of their offerings as if they had eaten and drank." Seemingly this is a good thing, as we read (Nechemiah 8:10), "The enjoyment of Hashem is your strength!" Nevertheless, the great men of Bnei Yisrael were deserving of punishment because the fact that the revelation of Hashem brought them as much joy as eating and drinking means that they valued eating and drinking too highly. (Derashot Maharam Banet: Drush 5)