

# Parsha Mishpatim

Presented By Rabbi Yosef Kalatsky Shlita, Dean

## 1. *The Importance of Being Vigilant*

This week's parsha begins with **“And these are the judgments that you shall place before them...(V'ele Ha'mishpatim...)”** Rashi cites the Chazal which explain that the parsha begins with a connecting “vav” (And) to signify that just as in the previous parsha the Ten Commandments were given by Hashem at Sinai, the laws which are stated in this parsha are also given by Hashem. The regulations concerning the purchase of a Hebrew slave and all the laws pertaining to him are the first laws discussed in the parsha given at Sinai. The Torah states a Jew who is found guilty of stealing and cannot repay the amount that was stolen is sold as a slave for six years. Why is this law the first edict stated in the parsha?

One would think that after Sinai, when the Jewish people reached the pinnacle of their spirituality, other mitzvos that were more relevant to that level should have been mentioned, i.e. laws such as visiting the Temple Mount three times a year. Why did the Torah choose the subject of the Jewish slave who stole? This seems to be an unimaginable level to fall to after the Sinai experience. What is the significance of this?

The Torah tells us that on the second day of Pesach we are required to bring a *Korban Omer* (Omer offering), which is made of barley flour. On Shavuos, which is 49 days later, an offering of two loaves of bread made from wheat flour was brought. The Maharal of Prague explains that the significance of the ingredients of the offerings (barley and wheat) signify the spiritual level of the Jewish people.

The Maharal explains that when the Jews left Egypt they were devoid of spirituality and were at their lowest level (the 49<sup>th</sup> gate of spiritual contamination). At that point the Jewish people were equated to the animal that is a completely physical creature. The Gemara tells us that animal fodder is barley grain and therefore it was befitting that the Jewish people bring an offering made of barley flour on Pesach to indicate that it was a time of their lowest spiritual level. However, fifty days later at Sinai at the time of the giving of the Torah they reached the pinnacle of their spirituality and were classified as the human beings whose context was spirituality. Therefore, at that time the appropriate meal offering for them to bring was the two loaves of bread that were made of wheat flour, which is the grain primarily used for human consumption.

The Torah states that the two loaves of wheat bread that were brought on Shavuos must be *chometz* (leavened). All the other meal offerings that were brought in the Bais HaMikdash were unleavened (matzah) [except the Todah Offering (of Thanks)]. As we know from Chazal *chometz* symbolizes the *yetzer hara* (the evil inclination), which indicates spiritual impurity. According to the explanation given by the Maharal, the two loaves of wheat bread signify the ultimate of Jewish spirituality, if so why are they made of *chometz*? This seems contradictory- one would think that an offering that represents the highest level of spirituality should be made from matzah. How do we understand this?

The answer is that although a person may reach the highest level of spirituality, the *yetzer hara* still exists within him. Regardless of our spiritual level, we are still human beings who possess an evil inclination, which at any moment can cause us to fail. As we find in the Torah, forty days after the giving of the Torah at Sinai the Jews were engaged in the sin of the Golden Calf. We can now understand the symbolism of the two loaves of bread. Although signifying the high point of Jewish spirituality they must be made of *chometz*- symbolizing the fact that human beings have an evil inclination regardless of their spiritual level. We must always be cognizant that no matter how spiritual we become, we always have the possibility of failing due to our *yetzer hara*.

We can now understand why the portion begins with the law concerning the thief who is sold as a Hebrew Slave. The Torah is telling us in an obvious and clear manner that regardless of the level of spirituality that was achieved at Sinai, we still possess a *yetzer hara*. By highlighting this, the Torah is teaching us that we need to be cognizant of our actions and tendencies. Regardless of our spiritual achievements we must be vigilant, and only then do we keep our evil inclination in check.

## 2. *How to Maximize Our Abilities*

In the beginning of the parsha, Rashi cites the Chazal, “Why was Mishpatim, the section which deals with judicial cases, juxtaposed to the previous parsha that deals with the Altar (*mizbeiach*)? To tell us that you should place the Sanhedrin (The High Court of Israel) adjacent to the Bais HaMikdash (the Temple).” This is referring to the Law that states that the Sanhedrin should convene in the section of the Bais HaMikdash called the *Lishkos HaGozis* (the Chamber of Curved Stone). The question is why should the Sanhedrin be located adjacent to the Sanctuary in the Bais HaMikdash?

Rashi cites the Chazal at the beginning of Parshas Vayeira where Avraham was sitting at the entrance of his tent, “**The Holy One, Blessed is He, said to Avraham ‘Sit (*yosheiv*) and I will stand as you are a foretoken for your children, for I am destined to stand in the assembly of Judges while they are sitting in order to give them understanding.**” Since Judges are mere mortals with great limitations, Hashem said He would stand in their midst while they convene in judgment to give them the necessary clarity to adjudicate justly. Since the Torah emanates from Zion (the location of the Bais HaMikdash and the Divine Presence), as it is stated, “*Ki me Tzion teitzei Torah*” the Sanhedrin must convene adjacent to the Sanctuary of the Bais HaMikdash.

The Gemara in *Sanhedrin* states that the Judges comprising the Sanhedrin were required to understand seventy languages because they need to hear the testimony of witnesses directly from them without any intermediary. The Sanhedrin was composed of Judges that were not only proficient in seventy languages but also every aspect of Jewish law dealing with any subject. The Gemara states in *Sanhedrin* that, although one is not permitted to study the laws of pagan worship (idolatry) and witchcraft, the Judges of the Sanhedrin were permitted in order to be able to adjudicate properly cases dealing with them. These Judges possessed a level of genius and understanding that we cannot even comprehend.

The verse states, “*Raishis chachma yiras Hashem* (The prerequisite for wisdom is the fear of Hashem).” Without the “fear of G-d” one could have a level of intellect and genius that is unequalled yet still have no understanding of truth. The fear of Hashem is necessary in order to see the world in the proper perspective. Fear of Hashem also humbles a person in a way that reduces personal conflict of interest. The Chazal explain that if it were not for the fear of government the most sophisticated, ethical and moral people would swallow one another alive. Since the human mind could justify almost anything, one would behave like a barbarian if it were not for the fear of government. If one possesses the fear of Hashem then one would understand and appreciate the consequences of one’s actions and thus be able to maximize intellectual capacity.

The Sanhedrin was responsible for promulgating many laws that governed the lives of all of Klal Yisroel. As the Gemara states a Judge is required to appreciate the gravity of his decision to the point of imagining a double-edged sword resting between his legs ready to cut him in half if he deviated from a just ruling. The level of humility and clarity, which was required to render the proper judgment, could only be attained if one sensed Hashem’s Presence.

In the Bais HaMikdash, G-d’s Presence was obvious and palatable in the most real sense. G-d’s Presence was not an abstract concept but rather a humbling reality. With this powerful sense of G-d, it was impossible for one not to be humbled. Therefore by requiring the Sanhedrin to convene adjacent to the Sanctuary of the Bais HaMikdash it was assured that the Judges would be exposed to the setting that would give them humility that would allow them to benefit from their intellect.

Without the fear of Hashem, despite one's genius and ability, one will always be distracted by one's own conflicts.

### ***3. Recognizing Our Value***

In this week's parsha the Torah tells us about the two types of Jewish slaves – one who is sold by the Court in order to repay the amount that he had stolen, and the other type of slave - a Jew who voluntarily sells himself to a master in order to alleviate his financial difficulties. The Torah tells us that if after six years (when the Jewish slave is meant to be freed) he goes to his master and says, "I love my master, my wife (a Canaanite maidservant) and my children. I do not want to go free" – he is taken before the Court and the master must bore a hole with an awl in his right ear at the doorpost.

The Chazal explain the reason why the person who voluntarily sells himself as a slave has his ear perforated is to indicate that there is a deficiency in his hearing, in other words in processing and internalizing in what he had heard at Sinai. Hashem had said to us at Sinai that the Jewish people are His subjects, inferring that we are only to be **His** subjects and not the subjects of others. Since this slave chose to acquire a master for himself it is evident that he did not comprehend or appreciate what Hashem had told him at Sinai.

If Hashem, who is the Creator and Master of the Universe, chose the Jewish people to be His subjects, how could the subject of G-d assume another master for himself? If one understands and appreciates the level of relationship between Hashem and the Jewish people how is it possible to sell oneself to a mortal master? If the Jew only understood his own value and his relevance in existence, he definitely would not subject himself to a mortal master.

The Torah tells us that Hashem commanded Moshe to tell the Jews at Sinai that they are, "My treasured nation" and "(the Jews) are a kingly priestly nation and holy people." Why is it so important for Hashem to communicate to us our various levels of status? One would think that the Jewish people would understand their special nature simply by being the *Am Hashem* (the People of Hashem). Nevertheless Hashem needs to communicate these quantifications in order for the Jewish people to truly understand and appreciate who they are. If we know and appreciate how special we are, we would behave accordingly. If on the other hand we believe that we are merely another nation among the nations of the world, then our standard of conduct and values need only be on par with the rest of the world.

Every day in the morning prayers we acknowledge that - **"We are fortunate and privileged because of our portion, our lot, and our inheritance."** If one can truly understand and internalizes this, one would know that this is the ultimate. There is nothing secondary to our portion and inheritance (which is our relationship with Hashem). We would not sin not only because it is wrong, but primarily because it is unbecoming and inappropriate behavior for the chosen people of Hashem. We may be physical in our existence but in regard to the dimension of our being we identify with G-d and not with the nations of the world. Therefore the standards of conduct, morality and ethical behaviour of the world has no relevance to the Jewish people.

The *Yisod V'Shores HaAvodah* states that when we say the blessing of the Torah in the morning, **"...Who chose us from all the peoples of the world and gave us His Torah..."** one should literally dance with joy because of the unique good fortune, which only we have. The Gemara states that the saving of one Jewish life is the equivalent of saving the entire world. If one would understand to any degree the meaning of this, we would appreciate our value and capability, and thus conduct ourselves accordingly.

### ***4. Determining the Innate Value of a Person***

The Torah tells us that if an ox, which had been established as a gorer (a *muad* [a goring ox]), goes and kills a person as a result of the owner's negligence, the killer ox is stoned to death and the

owner must pay a sum of money for the sake of his own atonement. The Torah states, **"If the ox will gore a (Canaanite) slave or slavewomen, thirty shekels of silver shall he (the owner) give to the master (of the slave) and the ox shall be stoned."** Regardless of the monetary value of the Canaanite slave (or maidservant), the owner of the muad is only required to pay the master of the slave thirty shekels. What is the basis for this fixed amount regardless of the monetary value of the slave?

The Sforno explains that the significance of the thirty shekels is derived from the laws of *eirchin* (*innate value for consecration*). If a person wishes to consecrate their innate value (*eirich*) to the Bais HaMikdash, the Torah establishes a monetary scale that represents each person's innate value based on age and gender. The Sforno says that the thirty shekels given for the Canaanite slave is derived from the **eirich (or innate value)** that the Torah places on a Jewish woman who wishes to consecrate her value to the Bais HaMikdash. A Jewish man who wished to consecrate his innate value, would be obligated to give fifty shekels to the Temple.

The Gemara tells us that a Canaanite slave, although he is not a Jew, is obligated in all the mitzvos of a Jewish woman. Thus he is not obligated in all time related mitzvos. Therefore if the muad killed a Canaanite slave – what value was lost from the world? - A person with the mitzvah potential of a Jewish woman. Thus the value that the owner of the muad is required to pay is thirty shekels since the loss to existence is the loss of a person who had the mitzvah value of a woman. We see from this that the Torah determines the true value of a person based not on their market value but rather on their spiritual value derived from their mitzvah potential.

The Mishna tells us in Tractate *Hori'os* that there is a Torah obligation on every Jew to rescue his fellow Jew if their life is in danger. For example, if a Jew is drowning one has an obligation to save his life. What does one do if one witnesses a Kohen and a Levy drowning at the same time and only has the ability to save one of them? If one witnesses a Levy and a Yisroel drowning – which one has the priority? The Halacha (the law) dictates that one has the obligation to rescue the Kohen before the Levy and the Levy before the Yisroel. Why is this so? - Because the innate spiritual status of the Kohen is greater than the Levy and innate spiritual status of the Levy is greater than the Yisroel. The halacha is not determined by a person's skills, capabilities, or any other criteria, but rather only by one's innate spiritual value.

The Gemara in *Sanhedrin* tells us that based on logic one is not permitted to take a life in order to save another life. The Gemara states, **"Who says that your blood is more red than the person's blood?"** Rashi explains this to mean that every Jewish soul is "precious" to Hashem and therefore no mortal can determine whose life is more precious. Only Hashem knows the spiritual value of a person's soul. From this we see that the determination of value is not based on a person's material means or their capabilities. An incompetent person may have more value than a great genius.

If we would only recognize and appreciate our own spiritual value and realize that it is based on our mitzvah potential then our conduct would be greatly affected.

## ***5. The Power of a Unified Jewish People***

This Shabbos in addition to reading the portion of Mishpatim we read the portion of the Shekalim (a special reading, taken from parshas Ki Sisa (Shemos 30:11-16). The Mishna tells us that at the beginning of the month of Adar they would announce that the *Machtzis Ha Shekel* (the half coin made of silver) needed to be sent to the Bais HaMikdash. All Communal Offerings (*Korban Tzeebor*) that were brought in the Bais HaMikdash needed to be purchased with each year's new half-coin donations, which were replaced every Nisnon.

The Torah tells us regarding the obligation of the *Machtzis Ha Shekel*. **"The wealthy man is not permitted to give more and the poor man is not permitted to give less than half a silver coin."** Clearly the Torah is requiring uniformity in the giving of this donation. One would think, as with any other charitable donation, that it is admirable to give more than the required amount. Nevertheless, in this case, the Torah is telling us in a very precise and specific manner that only the

silver half-coin (*Machtzis Ha Shekel*) is received from every Jewish male.

Why is the required amount only a half a shekel and not a whole shekel? This is to indicate the accomplishment of this mitzvah is only considered “whole” when each individual is grouped with the other as a *tzeebur* (community).

What is the meaning of a *tzeebur*? Is a community a collection of individuals each having their own unique viewpoint and manner of conduct? Or is a *tzeebur* a unified and equalized group with a common perspective and goal in which there is no “individual.” We see from the *Machtzis Ha Shekel* that individuals are equal in their donation regarding the Korban Tzeebur (Communal Offering). Evidently in order for a Korban Tzeebur to be valid it must be purchased with funds that were collected from a unified entity - a “tzeebur.” An offering that is brought by individual partners is not classified as a communal offering because each “partner” retains his identity whereas a *tzeebur* is an entity unto itself. The unification of Klal Yisroel through the *Machtzis Ha Shekel* brings about a special level of strength. It is interesting to note that the new *Machtzis Ha Shekel* is first utilized in the month of Nisnon.

The month of Nisnon (Pesach) which follows Adar (Purim) is a month “*Geula*- Redemption”. The Gemara states that if there are two Adars (such as in a leap year), we read the Magillas Esther (the Book of Esther) during the second Adar even if it had been already read during the first Adar. The reason given for this is because we want to juxtapose one month of redemption with another month of redemption. Just as in Adar the Jews were saved from the evil decree of Haman, so too the Jews were redeemed from Egypt in Nisnon. We see that the renewal of the *Machtzis Ha Shekel* comes each year during the month of Nisnon – a month of redemption. What is the significance of this?

We find that the unification of the Jewish people into a single and undivided nation was a prerequisite for the receiving of Torah at Sinai. The Torah states that we camped at the base of the mountain using the singular form of the word “camped” to indicate that the Jews were not a collection of individuals but rather a unified entity (a *tzeebur*). The unification of the Jewish people gave us the ability to receive the Torah at Sinai because without such unity we would not have had relevance to the G-d who is Complete, Singular, and Unified with all of His Glory.

The Chazal say that the angels in heaven began to prosecute the Jews as they passed through the Sea because they were no different from the Egyptians. The angels asked why should the Jews be saved and the Egyptians be killed when both were idolaters? Rabbi Meir Simcha of Dvinsk zt”l asks why did the angels begin to prosecute the Jews only as they were crossing through the Sea? If they were idolaters like the Egyptians, then the angels should have brought their claim even earlier during the killing of the first born of Egypt.

Rabbi Meir Simcha cites the Midrash that before the Jews passed through the Sea they were a unified people. Since there is a principle that “Tzeebur einu mess (a tzeebur is immortal)” and the Jews were unified into a tzeebur before they went through the Sea, they were protected from prosecution through their unification. However, when they crossed the Sea, the Midrash says that the Jews crossed by making twelve separate pathways to signify each group’s own special pedigree. Once these divisions were created the “tzeebur” no longer existed and the Jews were susceptible for prosecution from the angels.

As we read Parshas Shekalim we should be reminded that our power as a Klal Yisroel only comes about if we are unified as a tzeebur and only then will we merit the ultimate redemption.