

OHR NET

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PARSHA INSIGHTS

LEGALISM SHMEGALISM

“And these are the ordinances” (21:1)

A frequent canard leveled against Judaism is that it is a nit-picking legalistic system which puts ritual above righteousness. The New Testament’s “Good Samaritan” story is a prime example of this libel. In fact, Christianity made a religion out of its rejection of Judaism’s supposed “legalistic myopia.”

This week’s Torah portion contains a long list of “legalisms”: A husband’s obligations to his wife; penalties for hitting people and cursing parents, judges, and leaders; financial responsibilities for physically damaging someone or their property; payments for theft and penalties for not returning an object that one accepted responsibility to guard; the right to self-defense for a person being robbed. The list of “legalisms” goes on and on.

Judaism teaches that there is no difference between so called “ritual” law and laws concerning our fellow man. There is no difference between a *mezuzah*, *Shabbat*, *tefillin* on the one hand, and the obligation to honor our parents or feed the poor on the other. The object of all these laws is one and the same — that we should be a holy people.

It’s not sufficient that justice should be done. The Torah requires that we should become a people whose very nature is to do justice, that this is who we are; that justice and righteousness are our very essence — not merely a pragmatic relationship with our fellow beings.

Judaism is a system where one’s every thought and action can be suffused with holiness. Nothing in this world is devoid of the opportunity to be used to elevate ourselves and mankind. No activity is beyond the potential for holiness. This is what the world mistakes for “ritualism” and “legalism.” The genius of Judaism is that it sees the potential for holiness even in the ordinary and the mundane. There is no such thing as a secular world versus a religious world. In Judaism there is no such thing as “church versus state.” For there is nowhere in this world

that is devoid of G-d. Every single thing in this world has the potential to be used, or refrained from, in the ascent of man to his Creator.

If something literally had “no use” — it would also have no ability to exist. For that which is truly use-less has no merit to be and, by definition, could not exist.

You might think, however, that when it comes to social justice, there’s not a lot to choose between Judaism and other religions and systems of morality.

You’d be wrong. Even though the Torah’s code of social justice is superficially similar to other codes, there’s an enormous difference.

And that difference lies in one Hebrew letter at the beginning of this week’s *parsha*. That letter is *vav*. The letter *vav* at the beginning of a word means “and.” Rashi explains that the reason our *parsha* begins “And these are the ordinances” rather than just “These are the ordinances” is to connect this week’s *parsha* to last week’s. This is to teach us that just as the laws of man’s relationship with G-d such as those outlined in last week’s *parsha* come from Sinai, so too do the laws of social justice come from Sinai.

The rest of the civilized world also legislates social justice. The difference between their enactments and Judaism, however, is that one small letter at the beginning of our *parsha* — *And*. No society can exist without some code of acceptable behavior, but the difference between the Torah and every other system of laws is enormous — no man-made law can withstand the onslaught of a person’s baser instincts. In times of trial and test, these laws go “out the window.”

Rivers of innocent blood have flowed in wars in every era, including our own, in spite of the fact that “*You shall not murder*” is a universally accepted tenet.

This is what gives the Torah’s code of social justice power and durability thousands of years after its institution.

Sources:
Rabbi Shlomo Yosef Zevin

STARVATION OR ASSIMILATION

The Canaanite slave of a Jew, although he is a man, is obligated only in the *mitzvot* incumbent on a Jewish woman. What was the attitude of regular Jews to this “second-class” Jew? Conflicting signals seem to emerge from our *gemara* and a later one in this *mesechta*.

During a famine year a slave who has been instructed by his master to support himself from his own labor may demand that his master either emancipate him or provide him with food. This position of Rabban Shimon ben Gamliel is disputed by the other sages who contend that the master need not submit to such a demand. The *gemara* explains that in a famine year the slave is not capable of supporting himself through his labor. Rabban Shimon therefore contends that the slave has a right to demand emancipation so that he will be a full-fledged Jew whom other Jews will pity and provide for. The other sages see no need for emancipation because whoever shows pity for a free man will also do so for a slave, because the slave is also obligated in *mitzvot* like a woman.

These two positions seem to switch when it comes to the question of a slave who has been taken captive by non-Jews and

redeemed from captivity by a Jew other than his master. If that Jew’s intention in redeeming him was for him to be a free man, says the *gemara* (*Gittin 37b*), then the slave does not serve either his master or his redeemer according to the position of Rabban Shimon ben Gamliel. Why he does not serve his redeemer is obvious, since he redeemed him in order to make him a free man. The reason he does not return to the servitude of his master is that this would discourage the redeemer from his noble action and we are interested in seeing him redeemed and not becoming assimilated amongst his captors. The other sages say that he returns to serve his master because we have no fear that this will discourage another Jew from redeeming

him, since it is a *mitzvah* to redeem even a slave to save him from assimilation.

Tosefot raises the problem of a contradiction between the positions of Rabban Shimon and the other sages in regard to what will be the attitude of Jews towards feeding or freeing a slave. He resolves this problem by explaining that Rabban Shimon’s view is that Jews who may not show so much concern for the economic plight of a slave will go out of their way to redeem him and save him from assimilation. The other sages say that the concern for a slave faced with the threat of starvation is greater than that of saving him from assimilation and the expense of everyone giving him a little food is nowhere comparable to the onetime outlay needed to redeem him.

• *Gittin 12a*

VOICE AND HANDS

When some of the sages came to pay a sick call on the great sage Rabba bar Chana they became engaged in a Torah discussion. It was rudely interrupted by a Persian gentile who took away their lantern because it was a day in which these heathens permitted light only in their house of idol worship. This so upset the sick sage that he prayed to Hashem: “Either hide me in Your shade or exile me to the shade of the Romans.”

This implication that the Romans were more tolerable towards the Jews than the Persians is challenged on the basis of Rabbi Chiya’s interpretation of a passage in *lyov* (28:23) “G-d understands her ways (of Torah and those who study it — Rashi) and He knew where its place should be.” Hashem knew that Jews would not be capable of surviving the decrees of the Romans (who decreed against the study of Torah and performance of *mitzvot* — Rashi) so He had them exiled (at the destruction of the first *Beit Hamikdash*) to Babylon.

The *gemara*’s response to this challenge is that while Jews were in Babylon under the Chaldean kings — Nevuchadnetzar, Evil Merudoch and Beltshatzar — Babylon was preferable to Roman rule. It was only after the Persians conquered Babylon that treatment of the Jews so deteriorated that even Roman rule was preferable.

What is the essential difference between Persian and Roman rule?

Maharam Shif points out that Roman rule over Jews is conditional on Jews being negligent in the study of Torah. This pattern was indicated in Yitzchak’s blessing to Esav, the forefather of the Romans, when he consoled him about the fact that he had already blessed his brother Yaakov to be his master. “When you have cause to complain (that Yaakov’s descendants do not observe the Torah) you shall cast off his yoke from your neck” (*Bereishet 27:40*). The particular role of Torah study in determining who will be ruler or subject comes to expression in the earlier words of Yitzchak, “The voice is that of Yaakov but the hands are that of Esav” (*Bereishet 27:22*), which our Sages (*Bereishet Rabba 65:20*) see as a prophetic promise that as long as the voice of Yaakov learning Torah resounds then the hands of Esav can have no dominion, but when that voice is silent those hands gain control.

• *Gittin 17a*

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לע"נ
 חיים מנחם בן ישראל ז"ל
 לי אדר א' תש"ל
 ת.צ.ב.ה.

PARSHA Q&A ?

1. In what context is a *mezuzah* mentioned in this week's Parsha?
2. What special *mitzvah* does the Torah give to the master of a Hebrew maidservant?
3. What is the penalty for wounding one's father or mother?
4. "A" intentionally hits "B." As a result, B is close to death. Besides any monetary payments, what happens to A?
5. What is the penalty for someone who tries to murder a particular person, but accidentally kills another person instead? Give two opinions.
6. A slave goes free if his master knocks out one of the slave's teeth. What teeth do not qualify for this rule and why?
7. An ox gores another ox. What is the maximum the owner of the damaging ox must pay, provided his animal had gored no more than twice previously?
8. From where in this week's Parsha can the importance of work be demonstrated?
9. What is meant by the words "If the sun shone on him"?
10. A person is given an object for safe-keeping. Later, he swears it was stolen. Witnesses come and say that in fact he is the one who stole it. How much must he pay?
11. A person borrows his employee's car. The car is struck by lightning. How much must he pay?
12. Why is lending money at interest called "biting"?
13. Non-kosher meat, "*treifa*," is preferentially fed to dogs. Why?
14. Which verse forbids listening to slander?
15. What constitutes a majority-ruling in a capital case?
16. How is *Shavuot* referred to in this week's Parsha?
17. How many prohibitions are transgressed when cooking meat and milk together?
18. What was written in the *Sefer Habrit* which Moshe wrote prior to the giving of the Torah?
19. What was the *livnat hasapir* a reminder of?
20. Who was Efrat? Who was her husband? Who was her son?

PARSHA Q&A!

Answers to this Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

1. 21:6 - If a Hebrew slave desires to remain enslaved his owner brings him "to the door post *mezuzah*" to pierce his ear.
2. 21:8,9 - To marry her.
3. 21:15 - Death by strangulation.
4. 21:19 - He is put in jail until "B" recovers or dies.
5. 21:23 - A) The murderer deserves the death penalty.
B) The murderer is exempt from death but must compensate the heirs of his victim.
6. 21:26 - Baby teeth, which grow back.
7. 21:35 - The full value of his own animal.
8. 21:37 - From the "five-times" penalty for stealing an ox and slaughtering it. This fine is seen as punishment for preventing the owner from plowing with his ox.
9. 22:2 - If it's as clear as the sun that the thief has no intent to kill.
10. 22:8 - Double value of the object.
11. 22:14 - Nothing.
12. 22:24 - Interest is like a snake bite. Just as the poison is not noticed at first but soon overwhelms the person, so too interest is barely noticeable until it accumulates to an overwhelming sum.
13. 22:30 - As "reward" for their silence during the plague of the first born.
14. 23:1 - Targum Onkelos translates "Don't bear a false report" as "Don't receive a false report."
15. 23:2 - A simple majority is needed for an acquittal. A majority of two is needed for a ruling of guilty.
16. 23:16 - *Chag Hakatzir* — Festival of Reaping.
17. 23:19 - One.
18. 24:4,7 - The Torah, starting from Bereishet until the giving of the Torah, and the *mitzvot* given at Mara.
19. 24:10 - That the Jews in Egypt were forced to toil by making bricks.
20. 24:14 - Miriam, wife of Calev, mother of Chur.

PUBLIC DOMAIN

Comments, quibbles and reactions concerning previous "Ohrnet" features

Re: Contradictory Emotional Stimuli (Ohrnet Beshalach):

I had a similar "problem" in my personal life. When I met my wife she was divorced. It had been a particularly nasty divorce and her husband had put her through mental anguish.

Life's vicissitudes affect each one of us, and part of the reason she was what she was — the woman I fell in love with — was what she had gone through in her first marriage. I wondered then, as I do now, whether I should feel "grateful" for what she went through, since that made her what she was when I met her. Had she not gone through that, she may have been a different person...someone whom I may not have fallen in love with.

In the end, I realized that such a question was simply too "big" for me to deal with. What happened, and questioning whether I should be grateful for it was pointless. Much better merely to be grateful that she was the person that she was...and not question what had made her like that.

Re: Security in Israel (Public Domain, Ohrnet Va'era):

I've been in France for 15 years and whatever Jewish Israelis do registers in the press as bad, and whatever Palestinians do registers as good. Our synagogues need daily police protection, yet mosques need none. Wonder why?

• Daniel Antopolsky <dantopol@aol.com>

WORLDS IN COLLISION

From: Michael Hamm in Brooklyn, NY
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Dear Rabbi,

I heard something astounding recently. It was related in the name of the Alter of Slabadka, Rabbi Nosson Tzvi Finkel, but I have my misgivings as to whether he could have said such a thing, as it does not comport with what I have always understood to be the Torah's outlook.

It began with three questions: How was it that the Egyptians had thick darkness at the same time and place that the Jews had light? Similarly, how could the same glass of liquid be blood for an Egyptian and water for a Jew, as the Midrash relates? Lastly, what is the explanation of the idea that each person should say, "bishvili nivra haalam — the world was created for me." If it was created for me, then how can someone else claim it was created for him?

The answer given was that there is more than one reality: Hashem creates a separate world for each person, and what is true in my world is not necessarily true in the next fellow's. Most often, people's worlds coincide; thus, for example, both my world and my colleague's include the fact that he and I conversed this morning. However, sometimes worlds do not coincide, realities differ; thus, the same glass of liquid was blood for some and water for others.

The implications of this bother me. In the example I gave, my colleague's world and my own coincide in the fact that we conversed this morning. But how do I know that that is really so? Perhaps in my world we conversed, but in his we did not. Indeed, perhaps in my world he is my colleague, whereas in his world we've never met. Or, perhaps outside my world he does not exist!

Dear Michael Hamm,

Not presently having access to the Alter's works I cannot verify that he actually said that. However, it sounds like a valid approach to understanding the Torah.

The concept is that, outside of the physical world, there is also the immediate spiritual world that surrounds each individual. I heard a wonderful story that amplifies that idea. Once the Ba'al Shem Tov wanted to enter a *shul* to pray. However hard he tried he could not pass through the entrance to the *shul*. When his students asked him what the problem was he answered that the *shul* was full of unanswered prayers and that he couldn't push his way in!

Was the *shul* full of unanswered prayers? Not for anyone else. But for the Ba'al Shem Tov it was a reality that was impenetrable as a solid wall. There are "things" happening in every place at every moment. Our not sensing them does not mean that they are not there or that someone else cannot.

Still, it's clear from midrashic texts that both the Jews and the Egyptians were aware of each others' relationship to the blood or water. That is, the Egyptians saw that the Jews were drinking water and the Jews saw that the Egyptians were drink-

ing blood. Furthermore, each understood why their realities were different at that moment.

So, your colleague exists, as do you. If not, you would know.

CANDLE BY DAY

From: Magnolia C. Albalat Kuncewiecki
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Dear Rabbi,

I was a little astonished to read in your response to a recent question that lighting candles after the sun set on Sabbath is a transgression. Can you please explain? I work full time and especially during the winter months in the U.S. do I rarely get home before sunset. What am I to do when I arrive home 1 to 2 hours after sunset? How can I usher in the Sabbath? I spoke to a Rabbi once and he said that I can light candles but not to say the prayer. What is the correct thing to do?

Dear Magnolia C. Albalat Kuncewiecki,

The Torah states (Exodus 35:3) "you shall not kindle any fire in any of your dwelling places on the Shabbat Day." The word "day" in the Torah does not mean just the light hours; rather, it refers to the 24 hour period starting from nightfall, as the verse says (Genesis 1) "And it was evening, and it was morning, one day."

So, the Rabbi you spoke to was mistaken, as lighting any fire on Shabbat — including Shabbat candles — is a clear transgression of an explicit verse in the Torah. Whereas lighting candles for Shabbat — although it is very important — is only a rabbinic law.

Lighting candles is surely a great *mitzvah* and a beautiful way to usher in Shabbat, but not at the expense of breaking Shabbat itself! Let me give you a parable to illustrate this point. A woman's mother is coming to visit her, so she makes her a cake. How beautiful! But when the mother comes, the woman throws the cake in her mother's face! What a greeting!

So too regarding Shabbat; When Shabbat "visits" we honor her like a queen by lighting candles in advance, preparing delicious food and a clean house. But to break Shabbat by lighting the candles is not an honor but an affront!

And realize, one reason the Rabbis created a commandment to light candles before Shabbat is precisely because we can't light them on Shabbat itself! So they "made a big deal" about lighting so no one would ever forget. To light after sunset defeats the whole purpose. So, as we wrote, the way to greet Shabbat if you are late is not to light, and that is the greatest of honor!

Another possibility is if you know you will come home too late, you can have someone else light the candles for you in your home before sunset.