

PARSHAS MISHPATIM

תשפ"ג

Parshas Mishpatim is a very puzzling parsha. We just finished kabbolas haTorah in Parshas Yisro and Klal Yisroel told Hashem that it was too overwhelming and they can't take any more gilui Shechinoh. They were raised up to a level of nevuah just underneath Moshe Rabbeinu. Moshe told them this experience was worth it to lift them up and show them that they are a special people. The memory should be so deeply ingrained in them that they and their children will have yiras shomayim from now on. Then there are afterthoughts. Do not make any gold and silver images, even parallel to serving Hashem. They can be very distracting. Your atonement will come from a simple mizbeach of earth.

The posuk is puzzling. "Every place I will mention My name, I will bless you" Rashi is bothered. It should be whenever YOU mention my name. So Rashi explains it means whenever I give you permission to mention My special Name and you mention it, I will come and bless you. We must not take mentioning Hashem's name lightly. We need permission to mention His name. We do it where and when He allows and under specific circumstances.

Then the posuk says you cannot use any iron or steel sword in the process of building of the mizbeach. Anything even remotely connected to bloodshed cannot be part of our kapporoh. Dovid Hamelech could not build the Beis Hamikdash because he fought wars and spilled blood. Even though he was fighting Hashem's enemies, anything connected with killing or arayos cannot be a part of hashro'as haShechinoh.

Then we have Mishpatim – all kinds of dinei mommonos. But then at the end of the parsha, we have the story of kabbolas haTorah again. This is strange. In the middle of these two descriptions of kabbolas haTorah we are told a set of halachos. It must be that they are part and parcel of kabbolas haTorah.

It starts with the halachos of Eved Ivri. The eved says: I want to stay a slave and keep my shifchoh canaanis wife, and my children who are avodim. If he goes free, he has to say good bye to his slave family who belong to their master. They aren't fully Jewish, yet he prefers to remain an eved ivri and to stay with this family. This is a serious problem. We bring him to the doorpost and pierce his ear, and he can stay a slave till yovel.

Of all the places on his body, why is the ear pierced? It is the ear that heard at Har Sinai that you are Hashem's slave, and this is the reason you were taken out of Egypt – to switch from the avdus of Pharaoh to the avdus of Hashem. You didn't listen properly. You have no right to become an eved to a human master on a permanent basis. It means you didn't really understand what it means to be an eved of Hashem.

Why on the door post? Because in Egypt, we were told to slaughter the idol of the Egyptians, to take its blood and paint it on our door posts. We made a public rejection of the avodo zoro of the Egyptians and chose to have a fully Jewish identity. This person is rejecting what it means to be a Jew – free to subjugate himself totally to Hashem.

But why was this person an eved to begin with? There are two ways to become an eved. The first is when beis din sells him into slavery to pay off a debt for theft. He was a thief. The other is when he sells himself. When he sold himself at the very beginning, he violated the bris that we are only avodim of Hashem.

Nowadays, people underrate the severity of stealing. The sugya of

tznu'im in Bava Kamma involves two separate issurim – stealing kerem revai and eating kerem revai. Which is more severe? We would say in today's mentality that eating kerem revai is worse. The Rambam says stealing is worse. Everything we have is not really our own. It is really on loan from Hashem. When a person steals, he is declaring that he doesn't accept the fact that the world is Hashem's property. You can't do a mitzvah through an aveiroh. Money is a blinding, distracting aspect of life. When a person steals, he thinks he can take ownership of something that isn't his.

The first parsha is denying his core identity as a Jew who has a subservient relationship exclusively to Hashem.

The next halacha is murder. The murderer is killed. Why? The posuk in Parshas Noach says murder is about failing to recognize the tzelem Elokim in another person. When you feel someone is standing in your way and you just eliminate him, it means you don't see his tzelem Elokim. This means you don't recognize the tzelem Elokim in yourself either, and therefore you deserve to die.

These halachos are in the middle of the two parts of kabbolas HaTorah to teach us the foundations of life. We recognize we are slaves to Hashem. He allows us to use His world according to His rules. We and others have a neshomo and a tzelem Elokim. This is what it means to be a mamleches kohanim and a goy kodosh.

In the midst of the parsha of murder, we are told the nature of Hashem's judgment in this world. According to Chazal, it describes someone falling off a ladder and killing by accident. Hashem caused it to happen. What is the scenario? Rashi brings the gemara which explains that both people have killed before – one intentionally and one unintentionally. But there were no witnesses, and neither one was punished. So Hashem arranges it that the unintentional murderer kills the intentional murderer by accident in front of witnesses and must go to golus.

There is a deep lesson here.

There is hashgocho protis. If I fell down the ladder and killed someone, it is because I deserved to go to golus. The person who was killed by me also deserved to die. Whatever happens, it isn't by chance. Hashem is making it happen. Rav Avrohom ben HoRambam says this is where we see hashgocho down to the finest detail. Whatever happens to a person is because Hashem arranges it. Nothing happens to a person randomly. Any and every thing that happens to me is because Hashem arranged it.

If a kohen kills someone, we take him away to be executed even if he is in the midst of the avodoh on the mizbeach. If he killed someone, he has no right to do the avodo.

In Parshas Mattos-Massei the Torah talks about the orei miklot. There are a total of six orei miklot, but half of them are in Eiver Hayarden where only 2 ½ shevatim out of 12 shevatim live! Why is it so disproportional? The gemara says Eiver Hayarden will have more murderers, so they will need more orei miklot. But this is very strange. What is it about Eiver Hayarden which makes the people more prone to accidental murder?

The answer is very simple. Eiver Hayarden has kedushoh, but it is a lower level kedushoh than Eretz Yisroel proper. Bnei Gad and Bnei Reuven decided to settle there because of their enormous flocks which they received from the victories over Sichon and Og. They wanted to really

invest in the flocks Hashem gave them instead of moving into Eretz Yisroel where there is more kedushoh. This revealed their mistaken priorities. Although their wealth came from Hashem, it grabbed them and distorted their thinking. It made them compromise their values and their identity to become a mamleches kohanim.

They demonstrated with their decision that they don't value their neshomo and their tzelem Elokim which strives to live a life of maximum kedushoh. This will result in more accidental murder. Why? Because if you are so driven by ambition and the pursuit of wealth that you care less about your own neshomo, it follows that you will also care less about the value of other people's lives as well. You will behave recklessly and endanger your life and the lives of those around you. That is why they needed more orei miklot.

The Torah is telling us many fundamental principles of what the Torah is all about right here in the middle of the two parts of kabbolas haTorah.

At the end of the parsha, Hashem tells Moshe to come up to the mountain alone, leaving the others behind. Before he leaves, Moshe tells Klal Yisroel the aseres hadibros and mishpotim. Rashi says it was the 7 mitzvos of Bnei Noach, Shabbos, Kibbud Av v'Em, Poroh Adumoh and the dinei mommonos of the earlier part of the parsha.

The people said 'Naaseh'. Moshe wrote down the parshiyos from Bereishis till Matan Torah, not including the aseres hadibros – Shabbos, Kibbud Av v'Em, Poroh Adumoh and the all dinei mommonos – in a sefer.

Until now there were commands from a Novi that simply had to be obeyed. Now there is a sefer with Torah. Now Klal Yisroel said 'Na'aseh Venishmah'. Why? Because now there is a sefer Torah which can be

studied and analyzed and understood on a deeper level. Not just a list of instructions to be obeyed. This is a fundamental transformation which prompted Klal Yisroel to say Naaseh Venishmah and 1.2 million malochim were compelled to give each Jew two crowns.

The Beis HaLevi explains that naaseh means learning the halachos in order to keep the mitzvah properly. Every mitzvah has four aspects. Naaseh includes learning the halachos thoroughly in order to fulfill it properly. But then there is nishmah. It is learning Torah for the sake of learning Torah. This was an extra kabboloh beyond simply obeying the instructions of how to keep the mitzvos. There is a commitment to get a deep understanding for the sake of understanding.

"Nishma" doesn't mean "we will hear". "Shma Yisroel" doesn't mean "Hear O' Israel". It means to understand. We connect to the Hashem deeply when we connect our minds to the thoughts of Hashem expressed in the Torah. The malochim were astonished to see that Klal Yisroel discovered this secret – of getting the deepest connection to Hashem through understanding His Torah.

Now Moshe makes a krias bris between Hashem and Klal Yisroel. We learn the halachos of geirus from this process of krias bris here at Har Sinai. There was bris miloh in Egypt, and now teviloh and a korbon brought on a national level. They are doing a national geirus entering a national bris with Hashem. But it is interesting to note that this didn't happen after they just said 'naaseh'. It was only after they had a sefer and a commitment to learn for the sake of learning by saying 'nishmah'. Then they can finish the geirus.

The lessons of Parshas Mishpotim are so complex and so deep that before Moshe could write down the sefer habris and complete the national geirus, there had to be a parsha of Mishpotim.