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Parshat Mishpatim  
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## **POSITION IMPOSITIONS**

*By Rabbi Mordechai Kamenetzky*

How would you feel? That is a question asked by a wide-ranging group of inquisitors ranging from kindergarten teachers chiding their immature charges, to philosophy professors lecturing to disciples about the worlds of the theoretical. Its validity sets the tone from issues that vary from the golden rule to admonitions at the supper table. And at first glance it seems that the Torah uses the maxim to mitigate a deficiency in our very own human nature.

“Do not taunt or oppress a ger (newcomer) because you were strangers in the land of Egypt” (Exodus 22:20). According to most commentators, the verse refers to the ger — a convert to Judaism. Others comment however, that it also applies to any newcomer, be it to a neighborhood, a synagogue, or a school. Rashi explains that the Torah forewarns the Jewish nation from being cocky toward anyone who would join our people. “After all,” Rashi expounds, “the stranger can easily remind us of our since-forgotten experience in Egypt, where we, too, were strangers.”

However, something bothers me. The Torah’s set of values is pure and unmitigated by personal partiality. So let us ask. Does it truly matter that we were once strangers? Is not it inherently wrong to taunt a newcomer? Shouldn’t the Torah just say, “Do not taunt a newcomer? It is morally wrong!” Why is there even a mention of our Egyptian experience? Had we gone directly from Jacob’s home to a settled life in the land of Israel, would we then be allowed to taunt newcomers? Of course not! Our years of servitude should not influence the morality of taunting others! So why does the Torah consider our bad experience a factor?

*Dr. Norman Blumenthal has published extensively about the unique experience of Holocaust survivors’ children. Without revealing actual details, he related a case history of a young man whose father had escaped from a Nazi concentration camp at the age of 16 years old. The fugitive did not hide in the forest or in a barn, rather he joined a group of gentile partisans. For the duration of the war, he lived with them, ate with them, and killed Nazis with them. Still, the courageous young man never gave up his convictions and feelings of Judaism. On that day his father, by then a very successful executive who was very active in the American Jewish community, turned to him and said, “Son, now the easy life is over. Just like me, now you must learn what it takes to survive amongst the gentiles!” He sent the young teen to a university in the southern part of the United States where Jews were as rare as snow. Within months, the young man, mercilessly taunted in a foreign environment, suffered a nervous breakdown. It took years of therapy to undo the shambles.*

Perhaps we can understand the posuk in a new homiletic light. The sages declare that our experience in Egypt was very necessary, albeit uncomfortable, one to say the least. Under the duress of affliction we fortified our faith. Under the pressure of ridicule we cemented our resolve. Under the strain of duress we built families and sustained our identity. And perhaps it was that experience that laid the ability to endure far-reaching suffering, tests of faith that were only surpassed by the tests of time.

And now enter the convert John Doe who hails from a corporate office in West Virginia and has made a conscious, comfortable decision to join the ranks of Moses’ men. Our first reaction may just be to have him bear the test of the Jew. Like boot camp in Fort Bragg, or boasting at West Point, we may have the urge even a compulsion to put Mr. Doe through the rigors of our oppression. After all, that is the stuff of which we are made. We may want to taunt and tease because “we were slaves in a foreign land.” The Torah tells us not to do so. “Do not taunt or oppress a ger (newcomer) because you were strangers in a land of Egypt.” Do not impose your difficult experiences in life on others that are newcomers to your present situation. It is easy to say, “such men are made from sterner stuff” and proceed to harangue those who would join us. That should not be.

Life has a personal trainer for every individual, and each soul has a particular program mapped out by the Almighty. Jews from birth may have had to suffer in Egypt, while converts have other issues to deal with. One’s particular experience may not be fodder for the next person. Do not use your encounters as the standard for the entire world. One cannot view the world from the rear view mirror of his personal experience.

## **The Torah is a Book of Reality**

*By Rabbi Berel Wein*

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.

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## **Why Frum? Jews Steal**

*By Sheldon Stern*

The Parsha begins with Hashem telling Moshe to place the Mishpatim, civil laws, before the people. Rashi noted that the word "place" implies that Hashem didn't want His trusted servant to teach these laws by rote. Rather he should elaborate on their underlying reasons so that they're ready to be applied like prepared food placed on a table is ready to eat. The problem is that this statement is counterintuitive. Seemingly, this should have been said about the Chukim. As for the Mishpatim, all that was needed were qualifying remarks. For example, Moshe could've addressed the subject of theft and noted that in Judaism we distinguish between the sneak thief, who pays Kefel, and the brazen thief who doesn't, i.e. the former is penalized because he fears man, but not G-d. So again, why did Hashem deem it necessary for Moshe to impress upon the nation, the primacy of these societal laws?

Let's first explain why such attention wasn't paid to the suprarational Mitzvos. The Torah presents the Parah Adumah as the paradigm of a Chok. When its laws are introduced there are no prefacing remarks. We're just told to take the red heifer and its accoutrements which is immediately followed by describing the procedures. To understand this dichotomy we must invoke Rabbi Eliyahu Dessler's seminal thesis, "Bechirah point." Essentially he said that all Mitzvos aren't created equal. For some, we're challenged by the Yetzer hora, for others not so much. And the Chiddush of our Parsha is that it's for the Mishpatim that our adversary comes out in force. And that's easily provable Every observant Jew accepts that Hashem is the Supreme Being and thus His ways are beyond our ken. Therefore if we bring a suit to be examined for Shaatnez no one will question the checker's decision. The point is that the Yetzer hora knows when and where to pick its fights. It won't try to dissuade someone from buying a Lulav and Esrog. In fact, this imp is wont to exhort us to check out ten different shops before settling on a set. And it's a clever ploy. He understands that if we invest our energies in certain Mitzvos we'll be prone to ignore others and that would be the Mishpatim, which are, for the most part, Mitzvos Bein Adam L'Chaveiro. But why is this so? I suggest two reasons. First, unlike the Chukim, Mishpatim require thought. Imagine you heard some juicy gossip. Before divulging, you must ask yourself, "Is what I'm about to say Loshon hora or is it serving a beneficial purpose?" When there's a controversial decision at a sporting event the network calls in its resident, retired, referee to make the call. In life, when we have a Sofeik as to whether something is permissible or not the Yetzer hora shows up and he's not looking for face time and a quick payoff. No, what he wants is to lead his prey astray. To that point, he'll present an endless stream of arguments to justify spreading the slander. In contrast, no one gets up in the morning and questions putting on his Tallis and Tefilin. But there's a second factor. Some years ago I saw a video of Rav Aharon Leib Shteinman ZTL. Someone canvassed his opinion on the Shidduch crisis. His answer was short and sweet, "Gaavah." I'm certain that he would've given the same answer to most other questions that came his way. I once read a story, perhaps apocryphal, about a gathering of Rabbis who were trying to decide which one should lead the quorum. The oldest attendee argued that he was best suited for the post because, due to his advanced age, he had no yetzer hora. A younger rabbi retorted, "You have the biggest Yetzer hora, it's called Gaavah." Many years ago I attended a singles Shabbaton. I spent Shabbos in the home of a certain couple. They were lovely people but I was disappointed by what I saw after Shabbos morning davening. The husband was grilled by his wife, "Who got Shlishi?" "Who do you think? he responded. "He and Nussbaum get all the best Kibbutzim." I sat there thinking, "Who cares?" You go to shul to daven, shmooze, hear a good speech and enjoy a nice Kiddush. My mother used to say, "Siz mehr far menschen den fahr gott." (It's more important what people think about you than what G-d thinks. It sounds crazy, but my mother was Michaven to Rav Yochanan in the Gemara. When the legendary Amora was on his deathbed his students asked for some parting words, He complied, "May your fear of Hashem be like your fear of people." Rav Yochanan's Talmidim thought he had lost it but he assured them that he knew exactly what he was saying. It's fair to say that Gaavah, more than money, is the root of all evil in Judaism.

This said, the title of this essay is, "Why do Jews, and I mean ostensibly frum Jews steal?" I suggest that there are two groups to consider. The first is convinced that one must "bend the rules" to meet today's financial challenges. There's some validity to this argument. I don't side with those who insensitively blame these individuals for living beyond their means. In 1973 George Harrison had a hit called "Living in the Material World." Given his spiritual bent, it's not surprising that he ridiculed those who focused on Gashmias, but that's not the Jewish way. A certain 19th-century Godol made it a point to visit the Alps arguing that it's incumbent on a Jew to partake of the beauty that Hashem created. All well and good, but one can't violate Halacha to keep up with the Schwartzes. About 30 years ago, when Rabbi Yitzchok Singer was Mora D'asra, the Bialystoker started a breakfast and shiur program on legal holidays. One of the first speakers was a young Rabbi from Monsey (I don't recall his name.) He spoke about Dina DMalchsa Dina. At the end of the shiur two old-timers were mocking him, "He's a big knocker, one said, his father-in-law is a multi-millionaire." "Yeah let him try to support himself, he'll be singing a different tune." said the other. Last Motzi Shabbos Sholom Mordechai Rubashkin was interviewed on Zev Brenner's broadcast. He came off as a wonderful person who greatly appreciated Hashem. This said, what was missing were the following three words, "I was wrong." Am I being too harsh? The Gemara tells us that the first question one is asked when he comes to the next world is, "Were you honest in your business dealings?" The Torah tells us that the Manna was given daily to test the people. Every day they'd wake up unsure if they'd have sustenance and this is how Hashem wants to deal with us. We need Him, we rely on Him and we follow the Torah no matter how challenging life can become.

So how is this done? Rabbi Miller said that we're in this world to achieve Shleimus. What does that mean? I would posit that it means becoming one with Hashem. We achieve such nirvana by keeping all the Mitzvahs. Any transgression is a breach in our relationship with Hashem. And it's particularly glaring when frum Jews violate financial laws. We declare, on Rosh Hashanah that Hashem provides our needs. We can't just pay lip service to those words. Yes, "siz shver tze zein a yid" but let's not forget Rav Moshe's addendum, "ubber siz zees tze zein a yid."

**“And these are the ordinances that you shall set before them” (21:1)**

Rabbeinu Bachya explains that the Torah requires all laws to be set “before them,” meaning that disputes between two Jews should be adjudicated in a Jewish court and not a gentile court. Going to secular courts leads to two terrible sins: the desecration of Hashem’s name and theft. When Jews ignore their own rabbis and courts and instead rely on gentiles to help them, it gives a bad name to the Torah and to Hashem. Going to secular court also leads to theft because the decisions that they render are often not in accordance with Torah law and the money earned from these rulings is not kosher money. Why does the first set of mitzvos taught after the Ten Commandments govern interpersonal relationships rather than a person’s obligations toward Hashem? Perhaps Hashem put His honor second because of His humility and placed a little extra focus first on our obligations to other people. However, the truth is that every interpersonal sin also has an element of sinning against Hashem because He is the one who commanded us not to wrong other people.

**“And he who curses his father or mother shall surely be put to death” (21:17)**

One who hits a parent receives a lighter form of capital punishment than one who curses a parent with Hashem’s name. Why is this so? Ramban explains that cursing a parent is transgressed more frequently because foolish people spout vile words whenever they become angry. A sin that happens constantly needs a stronger punishment to provide a greater deterrent. A similar idea is expressed by Chazal when they equate lashon hara (slander) to the three cardinal sins. How could this be? The explanation is that people constantly slip up with negative speech, so the quantity exceeds the quality of the serious sins even if those are uncommon. The fact that a court can put a person to death for words that he says is a startling lesson about the Torah’s view regarding the power of speech. This is one of a number of prohibitions governing speech in the parsha and, as we study them, we should try to strengthen our observance of the laws of proper speech.

**“You shall not cause pain to any widow or orphan” (22:21)**

What is added by saying that one may not cause pain to “all” widows? Ramban says that this includes even a wealthy widow. Despite her social status and comfortable lifestyle, her tears come easily and she feels a lack of self-confidence and self-esteem after her husband is gone. One must be careful to treat her kindly. The way the Torah describes the anger of Hashem when He comes to the defense of widows and orphans who are mistreated should serve as a warning to us. Starting up with a widow or orphan is very dangerous and we have to have extra sensitivity in dealing with them. There is a story told about R’ Yisrael Salanter that illustrates the care that one must take to treat widows kindly. In those days, the employees in matzah bakeries were typically widows who needed to earn money. R’ Yisrael Salanter had a number of stringencies that he was careful to observe during the matzah baking process, but he instructed his students not to enforce these additional concerns if it meant that they would be tough on the widowed employees. He told them that the while the matzah would be free of chametz even without the stringencies, causing pain to a widow is a serious transgression.

**“And you shall be holy people to Me, and flesh torn in the field you shall not eat; you shall throw it to the dog” (22:30)**

Rashi writes: “This teaches you that Hashem does not withhold the reward due to any creature. The Torah says [when the Jews left Egypt] that ‘to all the Bnei Yisrael, no dog wagged its tongue,’ so Hashem said: Give it the reward due to it.” That is why the Torah commands us to share any meat rendered non-kosher because it was torn apart and mortally wounded with the dogs. If the dogs received a reward for not barking, then certainly people who do not bark at others will get a reward. It is important to always speak softly and kindly to others, no matter how upset or angry we may be.

*By Rabbi Mayer Friedman*

## **"If" It Is Not Really Your Money**

By Rabbi Yissocher Frand

Parshas Mishpatim introduces the prohibition against being an oppressive lender, and of taking or charging interest on loans: "**Im** (usually translated as "If") you lend money to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him." (Shemos 22:24). The *pasuk*, as formulated, seems rather strange because there is a positive *mitzvah* to lend money to a fellow Jew in need. Yet the *pasuk* begins with the expression "**Im kesef talveh...**" which implies that **if** someone decides to lend money, then the following *halachos* apply. The Torah does not use this (apparently) optional word **Im** in connection with the *mitzvah* of *tefillin* or *matzah* or any other positive *mitzvah*. We would expect the Torah to state emphatically "You should lend money to (the needy in) your nation" and then go on to specify the *halachos* inherent in lender-borrower transactions.

The Mechilta already makes note of this question. The Tanna Rav Yishmael there says that the word **Im** here does not mean **if**, but rather it means **when** – when you lend money. But the Ohr Hachaim Hakadosh wonders, why in fact did the Torah express the *mitzvah* to lend money in such a fashion?

The Ohr Hachaim explains it very interestingly. The "If" of "*Im kesef talveh...*" means If you see that you have more money than you need for yourself personally and you are wondering why it is that you have all this money and your needy friend does not have all that money, then you should realize that IT IS NOT YOUR MONEY! The surplus money you have is money that by right should go to the poor man, and it really belongs to *he'ani EEMACH* (It is really the poor person's money that happens to be deposited **WITH YOU**). In such a case, you should not be to him like a *NOSHE* (from the expression *nesius*) – don't lord it over him. It has nothing to do with your brains or your good luck. It is his money deposited by you, so you have no reason to lord it over him.

The Chassidishe Rebbe, Rav Yakov Yosef m'Polna cites a Gemara in Bava Basra (131b): If a person writes in his will that he is giving all his money to one son, that son is merely the executor of the estate (*apotropus*) for the other sons. Why on earth would a person give all his money to one of his sons, knowing full well that this will cause irreparable damage to the relationships between these brothers for the rest of their lives? So too, Rav Yakov Yosef explains, *Hashem* gave a considerable amount of money to certain of his children, but not so that they should consider all of that money to be theirs. They should view themselves as executors for distribution of the money to *Hashem*'s "other children."

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## **Harmony Between the Physical and the Spiritual**

by Rabbi Ron Jawary

One of the recurring themes of the Torah is the importance of eliminating any dissonance between a person's spiritual world and his physical world.

This week's Parsha, Mishpatim, is the basis of our entire legal code. Mixed in with this code are several ritual laws culminating with the words "You will be a holy people to Me" (Ex 22:30). One of the ideas behind this is that we relate to the Divine, not just through our spiritual life, but through our physical life as well. To be a person who keeps kosher and keeps Shabbat, but cheats -- whether in business or in life -- is to miss the whole point of what the Torah and life is about.

Instead of helping make us a "holy people", such a person is only destroying himself and everything we stand for.

It's interesting that this section comes in the book of Exodus, which teaches us what real freedom is: the ability to live in harmony with the Divine, with the world, and with yourself. In order to do so, we must strive to treat both the ritual and legal laws as equally important and to realize that they are essentially one and the same: an opportunity to strive for real holiness, to be in control of your life, to be one with the Divine.

## God Knows Best

by Rabbi Boruch Leff

We have been called the Chosen People since time immemorial. But what exactly happened to grant us this exalted title? The answer lies in a profound understanding of the famous Jewish retort to an anti-Semitic remark.

The anti-Semite said, "How odd of God to choose the Jews!"

Answered the Jew, "Not so odd, the Jews chose God!"

Towards the end of Parshat Mishpatim, the story of the events surrounding the Sinai Revelation is told. The Torah records the famous response of the Jewish People to God's offering of the Torah to them:

*"Everything that God says, we will do and we will hear (Na'aseh VeNishma)!" (Shemot 24:7).*

This statement is deemed so significant that the Talmud ([Shabbat 88a](#)) states that when the Jewish Nation said '*Na'aseh VeNishma*,' 600,000 angels descended from heaven to place two crowns, one for *Na'aseh* and one for *Nishma*, upon the head of each Jew. God proclaimed, "Who revealed this secret to my children! This is the secret of the heavenly ministering angels!"

Continuing in this vein, the Midrash (Sifri, Zot HaBracha 2) describes God offering the Torah to other nations of the world, and their rejection. Each time God came to one of the nations to propose His Torah to them, they asked, "Well, what's in it?" When God proceeded to mention a few of His commandments, all of the nations gave reasons why they could not accept it, why some of the laws were just too difficult for them to observe. Until God came to the Jews and they said, "*We will do and we will hear!*"

These Midrashic sources are usually understood as a display of the crowning greatness of the Jewish people's acceptance to do anything that God says, even before they are told what the command might be. This is certainly true. But what is often ignored is the reaction of the nations. We usually think that while the Jewish response is extremely praiseworthy, the reaction of the nations is understandable. After all, is it not logical that before you enter into an agreement, you read the fine print? But this assumption is wrong.

Who is the one doing the offering? It is the Creator and Sustainer of the Universe. He is the One who knows each individual nation's strengths and weaknesses. If God proposes something to you, even something that might seem difficult to keep, such as 613 Commandments in a Torah, He knows that you are capable of accepting it. If you weren't, He wouldn't be offering it to you.

The very fact that the nations asked God, "Well, what's in it?" is a rejection of God. It shows a lack of trust in God and His concern for your welfare. You don't have to ask God for details if He is making you an offer. You trust that God has your best interests in mind, and you know that saying "yes" to God, without knowing any of the details, is the only compelling course of action. This is precisely what Rava ([Shabbat 88a-b](#)), one of the great Rabbis of the Talmud, said in response to a verbal attack on the Jewish people. "You are an impetuous nation! You spoke before you listened! How could you have accepted the Torah before you heard how hard its laws were?" Rava replied, "We acted as lovers do. We had the trust that God would not give us any commands that we were not capable of carrying out!" (Rashi's explanation.)

This type of trust in God was necessary at the time of the Giving of the Torah at Sinai. But it is also needed today for all of us. There are many times when we feel that we are incapable of fulfilling the Torah's demands. It is just too difficult for us. But if we would realize that God, the One who knows our strengths and weaknesses personally is doing the asking, we would understand that we must have the ability to accomplish what God wants of us. It may take time until we master a particular spiritual area and we should always work on things slowly and gradually, but all along we must trust in God and His demands of us. We can do it, if God is telling us we can.

The same is true regarding life struggles and tests. The key to passing these life challenges intact is the realization that if God has placed me in my predicament, I must be able to pass the test. This is the beginning of the kind of acceptance of a challenge that is necessary in order to survive spiritually. As the famed self-help author, M. Scott Peck, begins his book, "The Road Less Traveled": "Life is Difficult. This is a great truth, one of the greatest truths. It is a great truth because once we truly understand and accept it, then life is no longer difficult. Because once it is accepted, the fact that life is difficult no longer matters."

What Peck writes is true. As believing Jews, though, we have a double advantage. We know that not only will there be difficulties in life and that is the way things are supposed to be, but that it is God that gives us our individual tests and knows that we can succeed in conquering our personal challenges.

We are descendants of the great ones who said to God, "We trust You. We know that whatever You command and whatever challenges You send us are for our good." Let us live this trust in our own daily life struggles.