



# The Marcos and Adina Katz YUTORAH IN PRINT

## Mishpatim 5774

### When the Torah Does Not Say What It Means

Rabbi Shmuel Goldin

Commenting on one of the most well-known legal passages in the Torah, the rabbis overrule the seemingly clear intent of the text. The Torah states, in its discussion of the laws of personal injury: "... And you shall award a life for a life, an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot, a burn for a burn, a wound for a wound, a bruise for a bruise."

The rabbis in the Talmud, however, maintain that the Torah never intended to mandate physical punishment in personal injury cases. Instead, they say, the text actually authorizes financial restitution. The oft-quoted phrase "an eye for an eye," for example, means that the perpetrator must pay the monetary value commensurate with the victim's injury.

All the other cases cited in these passages are to be understood similarly, in terms of financial compensation.

#### Questions

Why doesn't the Torah simply say what it means?

Over the ages, the "eye for an eye" formula has been cited by critics as proof of the vengeful, primitive nature of Mosaic law. If the Torah never meant to mandate physical punishment in cases of personal injury, why wasn't the text more clearly written?

A great deal of misunderstanding, misinterpretation and trouble could have been avoided had the Torah simply stated, "The court shall levy the appropriate compensatory payment in cases of personal injury."

#### Approaches

**A.** An easily missed phrase in the Rambam's above-cited codification of the law provides a glimpse into the Torah's true intent:

*"The Torah's statement 'As a man shall inflict a wound upon a person, so shall be inflicted upon him' does not mean*

*that we should physically injure the perpetrator, but that the perpetrator is deserving of losing his limb and must therefore pay financial restitution."*

Apparently the Rambam believes, as do many other scholars who echo the same sentiment, that the Torah confronts a serious dilemma as it moves to convey its deeply nuanced approach to cases of personal injury: using the tools at its disposal, how can Jewish law best reflect the discrepancy between "deserved" and "actual" punishment?

The gravity of the crime is such that, on a theoretical level, on the level of "deserved punishment," the case belongs squarely in the realm of *dinei nefashot* (capital law). The perpetrator truly merits physical loss of limb in return for the damage inflicted upon his victim. Torah law, however, will not consider physical mutilation as a possible punishment for a crime. The penalty must therefore be commuted into financial terms.

Had the Torah, however, mandated financial payment from the outset, the full gravity of the crime would not have been conveyed. The event would have been consigned to the realm of *dinei mammonot* (monetary crimes), and the precious nature of human life and limb would have been diminished.

The Torah therefore proceeds to express, with delicate balance, both theory and practice within the law. First, the written text records the "deserved punishment" without any mitigation: "... an eye for an eye, a tooth for a tooth..." In this way, the severity of the crime is immediately made clear to all. Then, however, the actual monetary punishment must also be conveyed, as well. Concerning this task, the Oral Law serves as the vehicle of transmission. The practical interpretation of the biblical passage – commuting the penalty into financial terms – is divinely revealed to Moshe. This interpretation is then

preserved and applied in an unbroken transmission, from the time of Revelation onward.

Jewish law thus finds a way to memorialize both the “deserved” and the “actual” punishments within the halachic code.

**B.** A few sentences further in Parshat Mishpatim, an even more glaring example of the discrepancy between theory and practice in the realm of punishment emerges. In this case, however, both variables are recorded in the written text itself. As the Torah discusses the laws of a habitually violent animal, two conflicting consequences appear in the text for the very same crime.

The Torah states that, under normal circumstances, if an individual’s ox gores and kills another human being, the animal is put to death but the owner receives no further penalty. If, however, the animal has shown clear violent tendencies in the past – to the extent that the owner has been warned yet has failed to take appropriate precautions – the Torah emphatically proclaims, “... The ox shall be stoned and even its owner shall die.”

The written text itself seems bewilderingly

contradictory. On the one hand, the Torah clearly states that the owner of a violent animal “shall also die.” Then, however, the text offers the condemned man an opportunity to escape his dire fate through the payment of a financial penalty assessed by the court.

Once again our question can be answered by considering the distinction between “deserved” and “actual” punishment.

The Torah wants us to understand that, on a theoretical level, the owner of the ox deserves to die. His negligence has directly resulted in the loss of human life. On a practical level, however, this sentence cannot be carried out. Halacha only mandates capital or corporal punishment in cases of active crimes. Crimes of “uninvolvement,” consisting of the failure to do something right, cannot carry such penalties in an earthly court. The owner who fails to guard his dangerous animal can only be fully punished through heavenly means.

Through carefully balancing the textual flow, the Torah manages to convey a complex, multilayered message of personal responsibility in a nuanced case of “uninvolvement.”

## That you shall Place Before Them

Rabbi Meir Orlian

**O**n the verse, “These are the ordinances that you shall place before them” (Shemot 21:1), Chazal comment: “before them - and not before non-Jews.” (Gittin 88b) We learn from this the prohibition to adjudicate before secular courts. Thus, the Rambam and Shulchan Aruch (26:1) rule vehemently: “It prohibited to litigate before non-Jewish judges and in their courts even in a case that they rule the same as Jewish law. Even if the two litigants agreed to adjudicate before them – it is prohibited. Anyone who comes to litigate before them is wicked, and it is as if he cursed and blasphemed and raised his hand against the Torah of Moshe Rabbeinu a”h.”

What is the reason for the severity of this issue? The source of the Rambam is from the Midrash (Tanchuma Mishpatim #3):

*Anyone who leaves Jewish judges and goes before non-Jews, first denied G-d, and afterwards denied the Torah, as it says, “For not like our Rock is their rock – yet our enemies judge us.” (Devarim 32:31) What is this comparable to? To a sick*

*person that the doctor came to visit ... The one who will live, I told him, “Do not eat this food,” so that his illness should not worsen. Similarly ... to Israel I gave mitzvot and laws that are good, as it says, “You shall observe My decrees and My laws, which man shall carry out and by which he shall live.” (Vayikra 18:5)*

The judicial system is the system by which society lives. In addition to the specifics of the laws themselves, the judicial system is nourished by, and also shapes the culture and value system of the society. G-d was concerned to give Am Yisrael good laws and ordinances, and was particular that they should not change them with others, so that they should live by them. Therefore, one who abandons these laws and adopts another system is like one who denies the Torah.

Based on this we understand that the prohibition is not only non-Jewish judges, but also a Jewish judicial system that is not in accordance with Torah law. Thus, the Chazon Ish (Sanhedrin 15:4) writes that there is no difference

between a non-Jewish judge and a Jewish judge who rules according to made-up laws. “It is even more indecent, that they exchanged the laws of the Torah for meaningless laws.” Therefore, also in Eretz Yisrael there is a prohibition of arkaot in going before the State civil courts. Instead, one

should go before a Beis Din also for monetary matters.

About this we pray three times a day, “Hashiva shofeteinu k’varishona ... u’meloch aleinu atah

Hashem levadecha – Restore our judges as at first ... and rule over us You Hashem alone.”

## Kabbalas Ha-Torah

*Rabbi Avraham Gordimer*

**P**arshas Mishpatim is segmented in a quite unusual manner. The bulk of the parshah concerns itself with civil law (damages, transactions, family issues, etc.) and a few other mitzvos; the text concludes with a general exhortation to keep the Torah, followed by the formal acceptance of the Torah on the part of B’nei Yisroel.

The Ramban posits that the parshah should be understood chronologically. If so, why is the acceptance of the Torah found at the end of Parshas Mishpatim, rather than immediately after the Revelation at Sinai, which appears in Parshas Yisro? Why does Parshas Mishpatim seemingly interrupt the narrative of Kabbalas Ha-Torah, Receiving of the Torah, which is featured in Parshas Yisro, by first providing an extensive presentation of the mitzvos, most of which are civil laws, and then returning to the story of Kabbalas Ha-Torah at the end of the parshah?

The Shulchan Aruch (Yoreh Deah 268, based on the Talmudic discussion in Tractate Yevamos) explains that a prospective ger (convert) is to be presented with samples of some of the heavier and lighter laws of the Torah prior to his conversion, and that a formal acceptance of Judaism in the presence of a beis din must occur in order for the conversion to be valid. Why are merely samples of Torah laws taught to a prospective ger? Must a prospective ger not first know the entire Torah in order to accept it upon himself?

The answer is that a prospective ger’s learning experience is designed to make him fully conscious of his impending commitment to Torah upon conversion. In order for his conversion to be legitimate, a prospective ger needs to be aware of the new lifestyle he will lead and have a mindset of the nature of his new obligations; this cognizance (“gemiras da’as”) enables a ger’s Kabbalas Mitzvos (Acceptance of the Mitzvos) to have halachic validity. Thus, a sampling of heavy and light Torah laws

is studied in preparation for gerus (conversion) so as to create the requisite gemiras da’as. Once his conversion is completed, a ger can and should begin to learn the rest of the Torah.

B’nei Yisroel, who underwent a national gerus at Har Sinai, had departed Egypt as freed slaves. Slaves have little or no concept of responsibility for personal property, monetary transactions and personal damages, as they are not in real control of money and property. As such, it was appropriate that the gerus of B’nei Yisroel place added focus on the civil laws, which comprise most of Parshas Mishpatim, as this area of Torah would be the starkest contrast to life as B’nei Yisroel knew it in Mitzrayim, and it was thus requisite for a conscious conversion, so that the newly-emancipated people would become aware of the lifestyle they were to enter upon formal conversion. The presentation of the Aseres Ha-Dibros (Ten Commandments) fulfilled the general rule that a ger must be taught a sampling of the basics of Torah; however, additional instruction was necessary in this case, as B’nei Yisroel had to become conscious of the obligations of Torah from their perspective as former slaves, and the civil laws of Mishpatim served this end. It is for this reason that the first mitzvah presented in Parshas Mishpatim is that of Eved Irvi (the Jewish Servant), for the initial step in B’nei Yisroel’s new sense of awareness of their obligations as free people, who were just brought from slavery to Avodas Hashem, was an appreciation of the distinction between their former and current status.

It is thus understood why, according to the Ramban, the laws of Parshas Mishpatim were presented smack in the middle of Kabbalas Ha-Torah, for the mitzvos of Parshas Mishpatim were taught and incorporated as part of the elaborate gerus procedure of B’nei Yisroel at Har Sinai.

# Eretz Yisrael and the Eved Ivri – A Surprising Combination

Rabbi Dovid Gottlieb

**T**he institution of eved ivri, the Hebrew slave, is, understandably, foreign to the modern ear and temperament. Nevertheless, like all laws of the Torah, there are important lessons and values that can be derived from the laws of the eved even during periods of history – like our own – when the laws themselves are not applicable.

In the event that a thief doesn't have enough money to reimburse his victim, the Beth Din can sell him as an eved ivri as means of generating the necessary funds. However, under these circumstances the Torah limits the duration of the servitude, "shesh shanim ya'avod" to a six year term, "u-bashvi'it yeitzei la'chofshi chinam," and on the seventh year the slave is freed (Shemos 21:2; see Rashi, s.v. ki sikneh). While it is natural to assume that in most cases the hopefully reformed thief would be happy to regain his freedom, the Torah allowed for the possibility that the slave would actually choose to remain in servitude to his master. In order to permit this extension the Torah imposes a necessary condition, requiring the master to bring his slave to the court and then, "ve'ratza adonav es ozno ba'martzea," he pierces the slave's upper ear (21:6).

In explaining the rationale of this surprising ritual, Rashi cites the teaching the Mechilta that this is actually a punishment for the eved. Furthermore, it is the ear, of all limbs, that is chosen for reprimand because "the ear" heard the commandment not to steal at Har Sinai and, despite this knowledge, the slave disregarded the prohibition and stole from someone.

Rav Yehoshua Leib Diskin questions why, if the piercing is a punishment for the slave's original theft, does it not occur at the start of the slave's servitude? After all, it would make more sense to punish the thief in the immediate aftermath of his crime and not 6 years later. Moreover, any slave who goes free at the end of his initial term never even receives this punishment. How, then, can we understand this peculiar procedure?

R. Diskin explains that, in fact, the true punishment of the thief is being sold into servitude for 6 years and, in most situations, no further punishment is necessary. However, in the rare circumstances when the slave voluntarily wants to remain in service for many more years he is indicating through his choice that, for him, the

servitude wasn't a punishment at all – "I love my master" (21:5) – but just the opposite. Therefore for such an eved the Torah decreed an additional punishment for the original theft.

Rav Hershel Schachter has suggested, in light of R. Diskin's understanding, that this halacha is directly relevant to our relationship with Eretz Yisrael. After all, the Talmud (Yoma 9b) assumes that our exile into the Diaspora was a punishment and therefore, R. Schachter continues, the establishment of the modern State of Israel and our renewed access to Eretz Yisrael indicates that we have been forgiven. Our current situation, therefore, parallels the eved at the end of his 6 year term. Just as the slave's decision to remain in servitude is criticized – and punished – because it indicates his mistaken attitude towards his punishment, we must be careful not to give Hashem the impression that we have the wrong attitude about our punishment of exile. As R. Schachter writes, "God forbid that by refusing to recognize the nature of one punishment we bring upon ourselves another."

R. Schachter's powerful words should certainly cause all of us to pause and consider the consequence – and message – of our actions and our commitment to Eretz Yisrael.

A fascinating parallel to this understanding might emerge, as well, from an analysis of a well known and difficult position of the Rambam. Unlike other rishonim, the Rambam omits the mitzvah of settling the land Israel from his enumeration of the 613 mitzvos. Some commentators have deduced from this omission that the Rambam's opinion is, in fact, that there is no biblical mitzvah to settle land in our time; the commandment was limited to the initial conquest and settlement of the land in the time of Yehoshua. Most commentators, however, reject this radical conclusion and, therefore, struggle to find some other explanation for the Rambam's omission.

Perhaps the most creative solution to this question was offered by Rav Shaul Yisraeli, who suggested that even though the Rambam does consider settling the land of Israel a biblical obligation, nevertheless he did not categorize it as an independent mitzvah because it is implicitly included in the mitzvah of Birkat Ha-mazon, thanking Hashem at the conclusion of a meal.

R. Yisraeli notes that an essential component of the obligation of Birkat Ha-mazon is to thank Hashem for the land of Israel, as we mention in the second blessing, “al ha-aretz ve'al ha-mazon.” R. Yisraeli argues that it follows from this that if we truly appreciate the gift of the Eretz Yisrael then we must utilize – by settling the land – that gift. If, on the other hand, we leave the land fallow and chose to live in other lands then we are, in essence, rejecting the gift and obviously not thankful for it.

The common link between the ideas of both R.

## Is there a Place for Logic in Torah?

*Rabbi Ephraim Meth*

**T**he Midrash<sup>1</sup> states that the torah was given at dawn, while the mishpatim, laws, were given in the evening. This symbolizes the symbiosis between torah and laws.<sup>2</sup> Just as we cannot easily claim that dawn precedes evening or that evening precedes dawn, we cannot accord primacy solely to torah or to mishpatim.

Clearly, the Midrash is treating torah and mishpatim as subcategories of the Torah value system given to Moshe at Mount Sinai. The Midrash does not, however, clarify the distinction between torah and mishpatim. Indeed, the classical commentaries remain mysteriously silent about this distinction, even when both torah and mishpatim are written in the same verse.<sup>3</sup> In light of the symbiosis discussed by the Midrash, I will homiletically discriminate between torah and mishpatim, leaving a discussion of the words' simple meaning for a later date.<sup>4</sup>

R. Eliyahu Meir Bloch<sup>5</sup> eloquently articulates one of the largest intellectual problems that confront serious Torah scholars. He points out that at one extreme the Torah often presents laws with details and distinctions that seem beyond the grasp of human intelligence. At the same time, we find many Torah laws that are tasteful and appealing to our common sense and to our logic-oriented minds. These two extremes seem to provide us with a mixed message: do human logic and common sense really have any place in explaining the significance of Torah laws, or is it the fine details that seem beyond our grasp that are really out of place?

These two extremes, says R. Bloch, spawn two faulty approaches to Torah study. Adherents of the first extreme refuse to acknowledge parallels between Torah and

Schachter and R. Yisraeli is the notion that Eretz Yisrael is a gift that we have been given and that living there is the most natural and appropriate place for the Jewish people; living in the Diaspora is a punishment and is meant to be temporary. As in other areas of life and religious observance, our actions should reflect our values. If we value Eretz Yisrael and want to make sure that it is not taken away from us once again then each of us must do everything within our power to show Hashem that we truly appreciate His gift.

common sense; consequently, they are unable to decide any matter with certainty, since subjective certainty relies on its appeal to common sense. In contrast, adherents of the second extreme attempt to explain the entire Torah in terms of economics, law, sociology, etc.; however, they fail to adequately explain the fine distinctions that are so integral to halakha. R. Bloch names the second approach *higgayon ha-mishpati*, legal thought.

The correct approach to Torah study, taking into account the existence of both extremes, is a synthesis of appreciation for the Torah's transcendence with awareness of its innate sensibility. Just as *mishpatim* were given after torah, we cannot impose our preconceived legal schemata upon the corpus of Torah literature. However, just as night precedes dawn, we cannot ignore the crucial contribution of human logic and law towards our true understanding of torah.

A second homiletic interpretation can be suggested based on the writings of R. Shimon Shkop.<sup>6</sup> R. Shkop is bothered by an apparent contradiction between two laws. On the one hand, we are instructed to act stringently when uncertainty arises regarding prohibitions of biblical origin.<sup>7</sup> However, we are also instructed to rule leniently in monetary matters. For example, when one litigant claims that he definitely owns the disputed object, and the second litigant says that he perhaps owns it, we award the object to its present holder even if he is the uncertain one. R. Shkop asks if indeed the awardee is uncertain, shouldn't the possibility of violating the biblical prohibition of theft mandate us to rule stringently and force him to cede the object to his opponent?

R. Shkop suggests that “monetary mishpatim are unlike all the mitzvos of the Torah. Regarding all mitzvos, our main obligation is to fulfill the mitzvah. However, in monetary matters our obligation to fulfill the mitzvah is preceded by a legal obligation to clarify who legally deserves the money. Thus, our lenient rulings in monetary matters stem from their legal, rather than halakhic, status. Once a person legally possesses an object, he cannot be halakhically treated as a thief, even if he is uncertain about his rights to that object.

There is a parallel between the ideas of R. Bloch and R. Shkop. Both suggest that there is a synthesis between legal logic and the transcendence of the Torah. On the

intellectual plane, R. Bloch notes that certainty is linked to a logical appreciation of the Torah, while practically, R. Shkop points out that halakhic laws are based on an already present legal status. Both agree, however, that the Torah is the primary determinant of our ultimate values.

1. Shemos Rabbah 30:11, based on Shemos 19:16
2. R. Shlomo Kluger, in his introduction to Sefer Mili d-Nezikin
3. See, for example, Bamidbar 15:16 and Devarim 17:11.
4. R. Samson Raphael Hirsch, in Horeb, defines torah as “fundamental principles relating to mental and spiritual preparation for life,” and mishpatim as “declarations of justice towards human beings.”
5. Shiurei Da’as, vol. 1, p. 7
6. Shaarei Yoshier 5:1
7. Rambam, Hilchos Mamrim 1:5

## The mysterious “Angel of God”

Rabbi David Horwitz

**E**xodus 23:20-26 describes God’s announcement that He is sending an angel on behalf of the children of Israel.

*I am sending a “mal’akh” (angel) before you to guard you on the way and to bring you to the place which I have made ready. Pay heed to him and obey him; do not defy him, for he will not pardon your offenses, since My name is in him. But if you obey him and do all that I say, I will be an enemy to your enemies and a foe to your foes.*

*When My “mal’akh” (angel) goes before you and brings you to the Amorites, the Hittites, the Perizites, the Canaanites, the Hivites, and the Jebusites, and I annihilate them, you shall not bow down to their gods in worship or follow their practices, but shall tear them down and smash their pillars to bits. You shall serve the L-RD your God, and He will bless your bread and your water. No woman in your land shall miscarry or be barren. I will let you enjoy the full count of your days.*

The fundamental question is: Which figure, celestial or not, is meant by the term “mal’akh” (angel)? Rambam’s approach is the polar opposite of that advanced by Rashi (to Exodus 32:21), who cites Metatron, R. Bahya ben Asher in the name of R. Hananel, who refers to the archangel Michael, or the Ramban, who integrates his interpretation with the narrative of the fifth chapter of the book of Joshua (the mysterious encounter of Joshua with the Captain of the Hosts of the L-RD), and at the end of his commentary to Exodus 23:20 refers to the arch angel Gabriel. (The Sefer Sha’arei Aharon, by R. Yeshaya Aharon Roter [Benei Beraq,

1982], has a discussion of all these views.)

In the Guide of the Perplexed (2:34; Pines ed., p. 366), Rambam writes that the meaning of these verse in Exodus is elucidated by the verses in Deuteronomy, where God is recorded as having said to Moses at Mount Sinai as follows:

*The L-RD your God will raise up for you a prophet from among your own people, like myself; him you shall you heed (Deut. 18:15). Thus, the “angel” refers to a prophet.*

In general, Rambam understands that at various junctures, the term mal’akh (angel) in the Torah refers to a prophet. The angel denotes a human being (a morally and intellectually exalted one, to be sure). Moreover, Rambam writes that from Exodus 23:21, one deduces that the verse can’t be discussing an angel. For that verse states: Pay heed to him and obey him; do not defy him, for he will not pardon your offenses, since My name is in him. As Rambam notes, an angel, however, does not manifest himself to the multitude and does not give them orders and prohibitions’ consequently, they [that is, the children of Israel] could not be ordered not to disobey him (Guide, ad loc.). Ralbag (Rabbi Levi ben Gershon [1288-1344], known as Gersonides), in his Commentary on the Torah, follows this path in his interpretation of these verses in Parashat Mishpatim, and R. Menachem Mendel Kasher, in his magisterial Torah Shelema, Parashat Mishpatim (New York, 1960), Vol. 19, #299 (pp. 229-30), quotes numerous sources that follow this view, such R. Asher (the Rosh) in the name of R. Don Ashkenazi, R. Josef Bechor Shor, and the Hizkuni.

Numbers 20:16 states: We cried to the L-RD and he heard our plea, and He sent a messenger who freed us from Egypt. In this case, the JPS translation of mal'akh as messenger reflects the Rambam's view, for the Hebrew is mal'akh, which is often in that translation rendered as angel (e.g., Genesis 19:1), is translated here as messenger. The

## Free At Last

*Rabbi Josh Hoffman*

**A**t the end of last week's parsha, we are told "You shall not ascend my altar by steps, lest you reveal your nakedness upon it." This demand generated a necessity to build a ramp upon which to ascend to the altar so that one's body not be exposed through climbing up via taking steps. Rashi mentions the comment of the rabbis that if the Torah was so careful about the dignity of inanimate stones, assuring that they should not be exposed to the nakedness of the people ascending them, how much more so is it important to guard the dignity of our fellow human being, who is made in the image of God. This verse, then, serves as the Biblical source for the requirement of 'kivod habriyos,' treating people with respect, because they are a reflection of the divine image which they bear. Rabbi Moshe Sofer, known as the Chasam Sofer, has pointed out that this week's parsha, Mishpatim, which begins with a presentation of the civil laws and judgments to be followed by the Jewish nation, immediately follows the prohibition of ascending the altar on steps, to bring out the point that these laws are grounded in a respect for human dignity and an appreciation of the fact that our fellow man is created in the image of God. Even if we need to adjudicate a case against someone, we must continue to treat him with the respect due him as a creation of God. With the comments of the Chasam Sofer in mind, we can understand why the first law included in the corpus of mishpatim, civil laws, is the treatment of the slave. Rabbi Avraham Ibn Ezra points out that the slave is the lowliest person in society, and therefore we must have before our eyes, as we begin to deal with civil law, the importance of maintaining the human dignity of even the lowest person on the social scale. We are all created in God's image, and must treat others accordingly, no matter what one's station in life is. This principle, lying behind the laws of the

messenger, of course, is none other than Moshe Rabbenu, the messenger of God. Sometimes (and this case seems to be one of them!), a rigorously philosophic interpretation coincides with a thoroughgoing peshuto shel miqra approach!

Hebrew slave, serves as a reference point for all the laws to follow. They all call upon us to respect the rights and dignity of our fellow man, as the Chasam Sofer explained.

Beyond the message to society, that it must accord the proper respect to all its members, the law of the Hebrew slave is a message to the slave himself. Not only must others not compromise his dignity, but he must not compromise his own value. The rabbis say that the Torah is speaking here of a Hebrew slave who attained that status because he stole and was not able to repay the theft, and, therefore, was sold as a slave by the Jewish court, the beis din. The other way of becoming a Hebrew slave is to sell oneself due to his impoverished state. In both situations, the person sold is apt to view himself in a very negative way, and, as a result, begin to neglect his duties to God. The abject state he is in may lead him to forget the divine image inherent within him. To counteract this tendency, Jewish law mandates that the slave's master treat him with the utmost respect. This requirement is encapsulated in the statement of the rabbis that whoever purchases a Hebrew slave is as if he purchased a master over himself. The Torah forbids the master from imposing undignified work upon the slave, and enjoins him to provide for all his needs in an optimum way, to the extent that if the master has only one pillow or blanket, he must give it to the slave. Besides the obvious need to assure that the master recognize and acknowledge the dignity of the slave, the slave himself needs to be reminded of his self-worth. Continued treatment in this fashion over a period of six years should serve to bolster the slave's self-image and prepare him to reenter society as a responsible, self-supporting individual. If the slave decides to remain with his master after the sixth year, the Torah allows him to do so, but he must undergo an operation in which his ear is

pierced, to indicate his voluntary continued slave-status. It would seem that part of the message in this operation is to indicate that the slave would rather listen to someone else's orders than take charge of his own life. Even such a slave goes free at the time of the Yovel, the end of the fifty year cycle. Ultimately, he must come to the realization that it is up to him to actualize his inner self, the image of God within him, and that he cannot forever cast his destiny onto someone else's shoulders.

The haftarah usually read for parshas Mishpatim is taken from the book of Yirmiyahu, and deals with the requirement to free one's slaves upon the Yovel. The rabbis tell us that while the Jews were still in Egypt, God told Moshe to teach this commandment to the nation. What was the purpose of telling this to people who themselves were serving as slaves, and certainly did not have any slaves of their own at the time? Rabbi Meir Juzint of Chicago once explained to me that before the Jews could leave Egypt and assume the status of a free people, they had to be weaned away from the low self-image they had developed as slaves. In fact, Rav Kook, in his commentary to the Pesach Haggadah, explains the phrase 'and they acted badly towards us' to mean, that the Egyptians made the Jews themselves think that they were bad. Moshe had to convince the people that they had it within themselves to divest themselves of their slave status, and, therefore,

he informed them that they were commanded by God to free their slaves. If they were commanded to free others, they must have the ability to free themselves. To become the nation of God, they had to realize that, ultimately, no human being could define their existence. Rabbi Yehudah HaLevi wrote in his celebrated poem that a servant of time is a servant of servants, and that only a servant of God is free. Someone who is under the jurisdiction of another human being, whose time is not his own, finds it very difficult to actualize his potential. Freedom, according to Rav Kook, is one's ability to actualize his inner self. The laws of the Torah, as commanded by our Creator, give us the blueprint to be truly free. The parsha of Mishpatim, according to Ramban, is an explanation of the Ten Commandments, more properly known as the decalogue, addressed to the nation at Mt. Sinai. The decalogue begins with and is grounded in the statement, "I am the Lord your God who took you out of the land of Egypt." The freedom attained through the Exodus consists in the ability to realize the divine image within us by adhering to the commandments given at Sinai. Parshas Mishpatim, the explanation and development of those commandments, therefore, begins with a charge to maintain the human dignity of all segments of society, a dignity which is grounded in that divine image.

## How to Use Your Ego

*Rabbi Shlomo Einhorn*

**R**egarding the proper treatment of the proselyte, Rashi, in this week's Torah portion, asks us to reflect upon how much pain we would be in if we were in the same situation. Why does Rashi feel that personal reflection is the key to mastering this charge? Why is it not enough to follow a moral charge because it is simply the right thing to do?

Rav Eliyahu Dessler, in a collection of magnificent and creative essays and original letters, asks "why did G-d have to create our Ego so strong?" R. Dessler boldly argues that it is primarily because of our ego that we are able to reach levels of spirituality otherwise unattainable. Our

unquenchable thirst for greatness and godliness pushes us beyond our apparent limits. However, left unchecked this ego may go too far. Left unchecked, we may deify ourselves. What keeps us in balance? "Veahavta Leracha Kamocha", "Love your neighbor as you love yourself." Meaning, use your ego to first ascertain what we would want for ourselves and in that we can figure out what it is that we must do for our neighbor.

Rashi's appeal to our own personal feelings arouses our ego to identify our own needs and in turn allows us to appreciate our neighbors' needs.