TORAH ACADEMY of Bergen County

קול תורה

Parashat Mishpatim | 25 Shevat 5775 | February 14, 2015 | Vol. 24 No. 20

You Have a New Message – Listen to It!

by Rabbi Josh Kahn

For the first four Parashiyot in the beginning of Sefer Shemot, we read about the terrible slavery of the Jewish people in Egypt. Following the story of our redemption, we next read about the great miracles of Yetzi'at Mitzrayim, the redemption from Egypt, and receiving the Torah. Fittingly, because Parashat Mishpatim opens on the heels of the Aseret HaDiberot, we read about the laws of slavery. The juxtaposition of our slavery in Egypt to the laws of sensitivity toward slaves is appropriate since our sensitivity to the plight of a slave should be heightened through our own experience. The sensitivity described in this week's Parashah (and further explained by Chazal) mandates that the slave owner provides the slave with all of the slave's needs and even the luxuries that the slave owner provides for himself. However, this feeling of sensitivity should also remind us to despise becoming a slave; a slave is unable to serve God to the utmost, whilst freedom provides us with the ultimate opportunity to serve Hashem.

With this backdrop, it is easy for us to understand the grave error of a Jew who decides that he wants to remain a slave when he completes his slavery period. The Jewish slave, who is entitled to freedom after six years, can decide to remain a slave until the Yovel year arrives every fifty years. Consequently, The Torah commands the owner to pierce the slaves's ear to demonstrate his desire to remain enslaved. The Gemara (Kiddushin 22b) questions the necessity of piercing the slave's ear. The Gemara answers that, "The ear that heard at Har Sinai, 'You are slaves to Me' and chose not to go free deserves to be punished." With the memory of our enslavement in Egypt fresh in our minds, it is quite understandable that the Torah is critical of the person who could go free, yet chooses to remain a slave.

However, the focus on the nailing of the ear to the doorpost is puzzling. Although literally the slave selectively "heard" through his ears, it is more likely that it was his heart or mind that made the decision to remain a slave; the ear certainly did not decide! Therefore, why is such an emphasis placed on the ear?

The Sefat Emet explains the significance of piercing the ear. At Har Sinai, Hashem proclaimed a powerful message to Bnei Yisrael, focusing us on our mission in life as Avdei Hashem. Someone who was present at Har Sinai, yet chooses slavery, may have heard the words without hearing the message. Because the message was not internalized, it never passed through the listener's ears! Therefore, the Torah commands us to poke a hole in his ear, encouraging the slave to open his ears to hear what is being said.

A similar idea is developed by Rav Chaim Shmulevitz who commented in his Sichot Mussar on the miracle of Keriyat Yam Suf. Chazal describe that even a simple maidservant in Bnei Yisrael prophesied greater than that of a famous later prophet. Yet, Rav Chaim Shmulevitz wonders, how could the very same people who saw this great revelation commit the grave sin of the Golden Calf a short amount of time later? Rav Chaim Shmulevitz answers by noting that Chazal still describe the maidservant as a maidservant, even after profoundly seeing God's presence; the maidservant still remained a simple maidservant. Therefore, failing to internalize the experience of Keriyat Yam Suf enabled Bnei Yisrael to sin with the Cheit HaEgel. Similarly, the slave witnesses Hashem at Har Sinai but he fails to internalize Hashem's message.

A powerful story is told about a poor man who once begged for money. The beggar knocked on the home a wealthy man from the Rothschild family. Mr. Rothschild, in a generous mood, asked the beggar his plan of action if the beggar would be given one million dollars. The poor man responded, "I would no longer walk door to door begging for money. I would hire a horse and buggy to take me door to door begging." The poor man could have received the money, but he could not internalize that receiving the money could have transformed him into a wealthy man.

As a community, we have committed to a Tefillah initiative. A very basic question raised regarding Tefillah is why is it necessary to Daven if Hashem already knows one's needs? Why should one's Davening affect Hashem's decision? Rav Akiva Tatz suggests an answer that follows the same idea of the Sefat Emet and Rav Chaim Shmuleviz. One's request may be the same, regardless of verbalization to Hashem. In reality, the one who prays is changed, not Hashem's decision. Therefore, it is possible that without having Davened, it would be inappropriate for one to receive a certain gift from God. But after Davening, it is appropriate for one, new and improved, to receive the gift. If we take this idea seriously, we should strive to make each Davening a transformative process, not only by saying the words, but also by understanding the words that we have uttered through having a conversation with Hashem.

In the merit of this commitment to Tefillah, may all of our prayers be answered!

Apply Then Appreciate

by Ben Book ('15)

Perhaps the most inspiring event which takes place in our nation's history is surprisingly not the actual receiving of the Torah, but rather the national unity which was accomplished right before the giving of the Torah and the subsequent agreement by the nation to accept it. As Moshe is reading the Torah aloud to Bnei Yisrael, the Jewish people declare, *"Na'aseh VeNishma,"* "We will do and we will obey" (Shemot 24:7). While this scene is one of the hallmark episodes in Jewish history, the obvious question is, how can the Bnei Yisrael accept the Torah upon themselves before they know what it entails? The Kotzker Rebbe once said:

The world is filled with wise and learned men, researchers and philosophers, who spend their time pondering and philosophizing Hashem's existence and function. How much can they possibly come to understand? No more than the limits of their own intelligence. The Jewish people, however, were given tools—the Mitzvot—with which they could reach far beyond their own limitations. This is the meaning of the words, 'We shall do and we shall hear!' If we have tools with which to act, then we will be able to hear, to understand, to attain anything, even in the highest and loftiest realms beyond our normal and mortal capabilities.

The Kotzker Rebbe is teaching a fundamentally important lesson with regards to the observance of the Torah. While we can attempt to understand every Mitzvah and Halachah, which is important and necessary, it should not preclude our performance of these Mitzvot. We must be willing to do what Hashem does without contemplating the essence of the Mitzvah and by doing so, we will actually come to a greater understanding of and appreciation for the Mitzvha. For example, Chazal teach us that Shabbat is Me'ein Olam HaBa, it offers us a taste of the World to Come. One cannot truly comprehend and internalize the laws of Shabbat without experiencing a Shabbat on their own. We can all easily appreciate what a difference it makes to have the correct tools to grow. Only by keeping Shabbat first can one ever hope to appreciate this concept and learn to grow from it. The complete commitment of the Jewish at Har Sinai teaches us is that we as a nation thrive on our performance of the Mitzvot first, and thinking about what it means later. Through this, we will be able to appreciate the Mitzvot in the greatest way possible and once again achieve the status of Bnei Yisrael's, "*Na'aseh VeNishma*"

Where Hashem Houses a House

by Yitzi Rothchild ('16)

This week's Parashah begins with Hashem telling the Jews to adhere to the commandments which will be explained to them. Hashem explicitly states not to curse ones parents, not to inflict pain upon a friend and the responsibility to ensure that ones' animals don't cause destruction. These laws immediately follow the laws listed at the end of Parashat Yitro, where the Jewish people are commanded to build a mizbeach for Hashem. Rashi (Shemot 21:1 s.v. VeEilah HaMishpatim) asks why it was necessary to juxtapose the laws of how a person should act to the creation of Hashem's Mizbei'ach? Rashi explains that the juxtaposition of these two sections is foreshadowing the near future; the Sanhedrin, which administers justice and keeps peace between fellow men, will be placed right next to the Mizbei'ach, and by default, the entire Beit HaMikdash.

What about the Sanhedrin and Beit HaMikdash connect the two? What is the commonality between these two institutions that makes it so vital that they be placed next to each other? The Mishnah (Avot 3:14) quotes Rabi Akiva: "Chaviv Adam Shenivrah BeTzelem," "A man is precious since he is created in the image of God." Hashem created us in His image because he always wants us to connect with Him and turn towards Him to know how to behave. We are so precious to him because it is as if we are his students who admire their teacher for advice. The Torah is a blueprint for living a peaceful life as a member of society. Nothing makes Hashem happier than seeing his children living among each other in peace and harmony, because this is His essence and the purpose of the TORAH.

Even when His children anger Him, Hashem guides his anger towards something else. Tosafot (Kiddushin 31b s.v. Istay'a Milteih) wonder why the Perek of Tehillim "Mizmor LeAsaf" (Tehillim 79) wasn't called "Kinah LeAsaf" when the entire Mizmor focuses on the destruction of the Beit HaMikdash. Tosafot explain that although this Perek is about the destruction of the Beit HaMikdash, it is still a beautiful song, since Hashem saved the Jews by channeling his anger towards the destruction of the Beit HaMikdash and not the Jewish people. The reason for this was because a structure is never permanent and can always be rebuilt. Hashem had faith in His children to stand back up, unite, and reconnect themselves with Hashem, their Creator. If Hashem destroyed us, he would have to rebuild of from scratch. Hashem graciously destroyed our Beit HaMikdash and gave us a chance to do Teshuvah.

The purpose of the Sanhedrin is to maintain law and order within the land and society. When the Sanhedrin makes a verdict, it cannot be overruled. The reason for this is because they are working within the parameters of the ideals and values of Hashem's Torah and we have to honor and accept them. If we don't, then there will be no order to the community and man won't turn to Hashem to discover how to behave and create healthy relationships with their fellow man. Only once the Jewish people live among each other as one will Hashem's Shechinah rest upon us, and the connection between man and God will be established. By placing building which houses the Sanhedrin adjacent to the one which houses Hashem, we are taught that these two concepts go hand and hand; we must live by the Torah in order to properly and most effectively live with fellow man.

SHAPING PRAYER EXPERIENCE:

A STUDY OF SEPHARDIC AND ASHKENAZIC LITURGY

by Rabbi Hayyim Angel

Introduction

Over the centuries that they lived apart from each other, Sephardim and Ashkenazim developed different prayer liturgies. It is valuable to learn about the finer differences that emerged between Sephardic and Ashkenazic liturgies, to see how rabbinic interpretations and cultures shaped the religious experiences underlying prayer. This essay will briefly survey a few aspects of Sephardic and Ashkenazic liturgy.

Connection to Tanach

Although many rabbinic prayers draw inspiration from Tanach, Sephardim generally prefer an even closer connection to Tanach than do Ashkenazim.

For example, the Pesukei DeZimra offer psalms of praise to get us into the proper religious mindset for the mandatory prayers—Shema, Amidah, and their blessings. On Shabbat morning, Sephardim read the psalms in order of their appearance in Sefer Tehillim. Ashkenazim read the psalms in a different order, presumably arranged for thematic reasons. Rabbi Shalom Carmy recently wrote an article offering a conceptual explanation for the Ashkenazic arrangement.[1] To understand the reasoning behind the order of the Sephardic liturgy, however, just open a Tanach.

In a similar vein, in Shabbat Minchah, Sephardim and Ashkenazim usually recite three verses beginning with Tzidkatecha after the Amidah. Once again, Sephardim recite these verses in their order of appearance in Sefer Tehillim (36:7; 71:19; 119:142). Ashkenazim reverse the order, requiring explanation. Perishah (on Tur Orach Chaim 292:6) suggests that God's Name does not appear in 119:142; Elokim appears twice in 71:19; and God's Name appears in 36:7. Therefore, Ashkenazim read the verses in an ascending order of holiness. Others suggest that Ashkenazim arranged the verses so that God's Name is the last word before the Kaddish.[2]

The Talmud (Berachot 11b) debates the proper opening to the second blessing prior to the Shema in Shacharit, whether it should be Ahavah Rabbah or Ahavat Olam (Sephardim and Ashkenazim both say Ahavat Olam in the blessing of Arvit). Ashkenazim chose Ahavah Rabbah, and Sephardim chose Ahavat Olam. Mishnah Berurah (60:2) explains that Ashkenazim selected Ahavah Rabbah to parallel Eichah (3:23): "They are renewed every morning—ample is Your grace! (Rabbah Emunatecha)." In contrast, Rif, Rambam, and Abudaraham explain that Sephardim preferred Ahavat Olam since that formula is biblical: "Eternal love (Ahavat Olam) I conceived for you then; therefore I continue My grace to you" (Yirmiyahu 31:2).[3]

Piyut is an area where Sephardim and Ashkenazim diverge more significantly, since these poems were composed in the respective lands of Sephardim and Ashkenazim, rather than in earlier periods. Sephardim generally incorporated the Piyutim of Sephardic poets, and Ashkenazim generally incorporated the Piyutim of Ashkenazic poets. True to his Tanach-centered approach, Ibn Ezra on Kohelet 5:1 levels criticisms against several Ashkenazic Paytanim, including the venerated Rabbi Eliezer HaKalir, whose Piyutim are used widely in Ashkenazic liturgy: (1) Rabbi Eliezer HaKalir speaks in riddles and allusions, whereas prayers should be comprehensible to all. (2) He uses many talmudic Aramaisms, whereas we should pray in Hebrew, our Sacred Tongue. (3) There are many grammatical errors in Rabbi Eliezer HaKalir's poetry. (4) He uses Derashot that are far from Peshat, and we need to pray in Peshat. Ibn Ezra concludes that it is preferable not to use faulty Piyutim at all. In contrast, he idealizes Rabbi Sa'adiah Gaon as the model Paytan.

Kaddish and Kedushah[4]

Sometimes, minor text variations reflect deeper concepts. For example, Rabbi Marvin Luban notes a distinction between the Kaddish and the Kedushah.[5] In the Kedushah, we sanctify God's Name in tandem with the angels. In the Kaddish, we cry over the absence of God's presence in the world.

Tosafot on Sanhedrin 37b refer to an early Geonic custom where Kedushah was recited only on Shabbat. Although we do not follow this practice (we recite both Kaddish and Kedushah on weekdays and Shabbat), it makes excellent conceptual sense. Kedushah conveys a sense of serenity, setting a perfect tone for Shabbat. In contrast, Kaddish reflects distress over the exile, which is better suited for weekdays.

A relic of this practice distinguishes the Kedushah read by Sephardim and Ashkenazim for Shacharit on Shabbat. Ashkenazim incorporate the language of Kaddish into the Kedushah:

> From Your place, our King, You will appear and reign over us, for we await You. When will You reign in Zion? Soon, in our days, forever and ever, may You dwell there. May You be exalted and sanctified (Titgaddal VeTitkaddash) within Jerusalem Your city, from generation to generation and for all eternity. May our eyes see Your kingdom, as it is expressed in the songs of

[1] R. Shalom Carmy, "'I Will Bless God at All Times': Pesukei DeZimrah on Shabbat and on Weekdays," forthcoming in in *Mi-Tokh Ha-Ohel: Shabbat Prayer Volume* (Jerusalem: Maggid).

[2] Macy Nulman, *The Encyclopedia of Jewish Prayer: Ashkenazic and Sephardic Rites* (Northvale, NJ: Jason Aronson, 1993), p. 327.

[3] Macy Nulman, *The Encyclopedia of Jewish Prayer*, pp. 11-12.

[4] This section is taken from Hayyim Angel, *A Synagogue Companion* (New York: Institute for Jewish Ideas and Ideals, 2013), pp. 340-341.

[5] R. Marvin Luban, "The Kaddish: Man's Reply to the Problem of Evil," in *Studies in Torah Judaism*, ed. Leon Stitskin (New York: Yeshiva University Press, 1969), pp. 191–234.

Your might, written by David, Your righteous anointed (ArtScroll translation).

In contrast, Sephardim keep the Kaddish and the Kedushah separate. They insist that there is a time and a place for each type of prayer.

Haftarot[6]

Although the Sages of the Talmud codified the prophetic passages to be read as Haftarot for holidays, they left the choice of regular Shabbat Haftarot to the discretion of individual communities (Rabbi Yosef Karo, Kesef Mishneh on Rambam, Laws of Prayer, 12:12). Consequently, several Haftarah reading traditions have arisen.

VaYeira

Generally, when Sephardim and Ashkenazim read from same passage, Sephardim are more likely to have a shorter Haftarah. In BeShalach, for example, Sephardim read Devorah's song in Shofetim chapter 5, whereas Ashkenazim read the chapter of narrative beforehand as well.

One striking example of this phenomenon is the Haftarah of VaYeira. Melachim Bet, chapter 4 relates the story of the prophet Elisha and a woman who offered him hospitality. Elisha prophesied that this woman would give birth to a son as a reward for her hospitality, and indeed she did. These themes directly parallel elements of the Parashah: Angelic guests visit Abraham and Sarah; Abraham and Sarah offer their guests hospitality; and the angels promise them the birth of Isaac.

After these initial parallels to the Parashah, the story in the Haftarah takes a tragic turn in verses 18–23. The son dies, and the woman goes to find Elisha. As she leaves home, the woman's husband asks why she was going out if it was not a special occasion, and she replies, "*Shalom.*" This is where Sephardim end the Haftarah. Ashkenazim read the continuation of the narrative in verses 24–37, which relate how the woman finds Elisha who rushes back to her house and miraculously revives the child. It appears jarring that Sephardim would conclude the Haftarah at a point where the child still is lifeless rather than proceeding to the happy and miraculous ending of the story.

Rabbi Elhanan Samet explains the surprising discrepancy by noting that the entire story becomes inordinately long for a congregational setting (37 verses). Sephardim therefore abridged the Haftarah to 23 verses at the expense of reading its happy ending. They conclude with the word "Shalom" to strike at least some positive note.[7]

In the final analysis, Sephardim did not want to burden the community with too long a Haftarah reading. Ashkenazim favored completing the story even though that meant reading a lengthy Haftarah. Perhaps the best solution would be to read the shorter Haftarah in synagogue and then to learn the story in its entirety.

Shemot

Parashat Shemot is an example where Sephardim, Ashkenazim, and Yemenites adopted passages from different prophetic books to highlight different themes from the Parashah.

Sephardim read the beginning of Sefer Yirmiyahu (1:1–2:3). In this passage, God selects Yirmiyahu as a prophet. Yirmiyahu expresses reluctance only to be rebuffed by God: "I replied: Ah, Lord God! I don't know how to speak, for I am still a boy. And the Lord said to me: Do not say, I am still a boy, but go wherever I send you and speak whatever I command you" (Yirmiyahu 1:6–7). This choice of Haftarah focuses on the parallels between Yirmiyahu's initiation and ensuing reluctance, and Moshe's hesitations in accepting his prophetic mission in the Parashah.

Ashkenazim read from Yeshayahu, focusing primarily on the theme of national redemption: "[In days] to come Jacob shall strike root, Israel shall sprout and blossom, and the face of the world shall be covered with fruit" (Yeshayahu 27:6). "For when he—that is, his children—behold what My hands have wrought in his midst, they will hallow My name. Men will hallow the Holy One of Yaakov and stand in awe of the God of Israel" (Yeshayahu 29:23). Although there is rebuke in the middle of the Haftarah, the passage begins and ends with redemption.

Yemenites read one of Yechezkel's harsh diatribes against the Jews for their infidelity to God since their inception as a nation. The prophet compares them to an unfaithful woman who has cheated on God by turning to idolatry and the allures of pagan nations: "O mortal, proclaim Jerusalem's abominations to her" (Yechezkel 16:2).

Ashkenazim highlight the link between the national exile and redemption. Yemenites selected Yechezkel's caustic condemnation of the Israelites, implying that the Israelites deserved slavery as a punishment for having assimilated in Egypt. It likely was used as an exhortation to contemporary Jews to remain faithful to the Torah. Sephardim chose to highlight the development of the outstanding individual figure of the Parashah—Moshe.

[6] This section is taken from Hayyim Angel, *A Synagogue Companion*, pp. 228-229, 240-241.

[7] R. Elhanan Samet, *Pirkei Elisha* (Ma'alei Adumim: Ma'aliyot, 2007), pp. 281-284.