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Keep Thyself Far From An Inoperative Statement

Rabbi Dr. Norman Lamm z"l (Originally delivered February 16, 1974)

The whole Torah, aid the Kotzker Rebbe, is a commentary on the verse מדבר שקר תרחק, “keep thyself far from a false statement.”

Judaism teaches not that “God is love,” or that “God is pity.” Pity and love are attributes, not definitions of God. There is only one definition of God in Judaism, and that was formulated by the prophet Jeremiah and introduced into our daily prayers: ה' אלקיכם אמת, “the Lord your God is Truth.”

A careful reading of our key text will reveal two interesting peculiarities in this three-word verse: דבר and תרחק.

תרחק means “keep thyself far.” Generally, it is the Rabbis who make a סוג לתורה, a “fence around the Torah.” So, when the Torah itself forbids, for instance, mowing the lawn, the Rabbis go a step further and forbid moving the lawn mower, lest one use it unthinkingly. They thus move us far away from a prohibited act. There is only one place in which the Torah itself establishes a סוג, or a “zone of safety,” and that is in the case of falsehood: מדבר שקר תרחק, “keep thyself far from falsehood.”

There is only one way to say the truth; if one wishes to be philosophical, he can allow that there are a number of ways speaking the truth. But there is an infinite number of ways to tell a lie! Hence, תרחק, keep far away.

It is instructive, and a beautiful example of Jewish law and ethics, to see how the Talmud scrupulously applied the principle of תרחק. The Sages understood the verse as directed primarily (although not exclusively) at judges. Thus, the Talmud (Shev. 30b, 31a) derives the following rules which together constitute part of the Jewish code of judicial conduct. A judge must not be defensive; if he makes a mistake, he must admit it and not rationalize—thus not only not lying, but keeping as far away from untruth

as possible. A judge must not permit an ignorant student to assist him; he must keep him at arm's length. A judge must refuse to sit on the bench together with another judge whom he knows is dishonest; תרחק! A judge who knows that a witness is lying, but the witness is protected by legal technicalities, that judge must not ease his conscience that he is applying the law with technical exactitude, but must attempt to disqualify him. A student of the law who sees his teacher-judge err, must not keep silent. Perhaps most illuminating, a judge who has two litigants come before him in his courtroom, one dressed shabbily and the other elegantly, must turn to the one who is well dressed and offer him the following option: either buy a suit of fine clothes for your adversary, or you yourself must dress in rags. Otherwise, there is some chance that a subliminal impression in your favor will be made upon the judge, and the judge must keep himself “far away from a false statement.”

The second word of interest in the verse is דבר, keep far from a “word” of falsehood. Would it not have been simpler to say משקר תרחק, “keep thyself far from falsehood?”

I suggest that the Torah is telling us to acknowledge a lie as a lie, and not disguise it in pretty masks. Keep thyself far from a דבר שקר, from a dishonest euphemism, from a substitute word for a lie which would make the שקר more acceptable.

If you recognize something as false, call it false! Do not misname it as, for instance: an “inaccuracy”; an “exaggeration”; a “hyperbolic extravagance”; or, a term that was popular during my college years, “a terminological inexactitude.” In Washington of the Watergate era, a new term has been invented for a lie. It was first propagated by the Press Secretary of the President when, instead of saying that he had earlier lied, said, interestingly, that his

previous statement was “inoperative.” One can imagine a new English translation of the Torah, according to the Authorized Version of Ron Ziegler: “keep thyself far from an inoperative statement.”

But דבר שקר, the semantic excuse for falsehood, is barred by the Torah. A lie is a lie – is the truth. For, as the Hebrew writer יוחנן טברסקי once said: חצי אמת הוא שקר גמור (a half truth is a whole lie)!

Yet, it is really so difficult to attain the truth, to keep far from שקר. It is told of the Rabbi Shneur Zalman, the founder of the HaBaD Hasidism, that he worked 21 years on truth: seven years to know the truth; seven years to drive away falsehood; and seven years to bring the truth within himself.

But, alas, the world is not made up of Shneur Zalman's! Alexander Solzhenitsyn, in his most recent addition to the latest revised version of his epoch-making Gulag Archipelago made this comment about Soviet Russia: “There is simply a Wall. And its bricks are laid in a mortar of lies.”

Long ago, the Zohar taught the same about all life, all of society, all of our mundane existence: it is an עלמא דשקרא, a world of falsehood.

And even earlier a Midrash, ascribed to R. Akiva (מדרש אבא בר דר"ע), taught that אמת יש לה רגלים, “the truth has feet.” This gave rise to a number of charming folk interpretations. For example, Jews conclude that since the truth has feet, hence it flees from us; but falsehood is legless, so it always remains with us!

The same Midrash is undoubtedly the source of the famous Yiddish saying מיטן אמת קאן מען אריסגיין די גאנצע וועלט “with truth you can travel through the whole world.” And the Besht, in an uncharacteristically sardonic comment, explained that: וויל דעם אמת שטופט מען ארום כין: “because truth is pushed around from one place to another.”

Inceed, a mere glance at the daily papers or radio or television is enough to lead one to discover that אמת is being pushed around. Truth is running away, while שקר is close. Falsehood is much too close for comfort.

Consider, for instance, the case of M. Jobert, the Prime Minister of France, who fully justifies the famous acid comment that, “a diplomat is an honest man who is sent abroad to lie for his country.”

M. Jobert recently went to Saudi Arabia in order to tie up an oil deal for France. King Feisal declared that Saudi

Arabia must be Judenrein, and he would not permit any Jew to come with the French party either as part of the government group or as a reporter. M. Jobert acquiesced in the most obsequious fashion, and the French government uttered not one word of protest.

Shalom Aleichem once said:

עס זיינען פאראן דריי אליי ליגנער.

There are three kinds of liars.

א נעכטיג גיקער ליגנער, א היינט יגדיקער ליגנער, און א

מארעמדיקער ליגנער –

A “yesterday liar,” a “today liar,” and a tomorrow liar.”

A “yesterday liar” is one who says, “I have given a thousand dollars to charity,” when the sum total of his life's contributions is less than one hundred dollars. A “today liar” is one who tells you that he is champion chess player when he cannot even play the game. And a “tomorrow liar” is one who tells you, in all seriousness, that the day after tomorrow he will be in China when he has tickets for South America.

Why do I mention this? Because France reminds me of Shalom Aleichem.

Thus, M. Jobert solemnly promises Israel that France, despite its close association with Arabs and its identification with the Arab foreign policy, will never agree to the dismemberment of the State of Israel. M. Jobert is a מאר גענד יקער ליגנער, a “tomorrow liar.”

But why rant and rave against the French government and French gentiles, when far more serious charges of the most blatant and incredible and immoral treachery can be levelled at certain French Jews, namely, the journalists, who did finally go to Saudi Arabia with the French Prime Minister?

Instead of making an international outcry against Saudi Arabia and that primitive and malicious desert thief who heads it, these French Jews rushed headlong, in obscene and humiliating haste, to obtain forged baptismal certificates to allow them to enter the sacred domain of Saudi Arabia! They are all three liars rolled into one!

Moreover, they simultaneously insulted three great religions—Judaism, Christianity, and Islam.

They certainly deserved what they got: the gifts that this primitive King distributed to all members of the Prime Minister's party were all—copies of the infamous 19th century anti-Semitic forged booklet, the Protocols of the Elders of Zion. They derogated their Judaism and forged baptismal certificates, so they got in return a piece of

poisonous anti-Semitism that was forged a long time ago.

An עלמא דשקרא indeed!

And yet, despite all, as Jews we must ever retain our optimism and hope for the triumph of truth, even as we keep far from falsehood.

Thus, the Mishnah teaches (Eduyot, VIII)

אין אליהו בא אלא לרחק את המקרבין (בזרוע) ולקרב את המרוחקין (בזרוע).

Elijah, the harbinger of the Messiah, will come primarily to remove those who are close, and to bring close those who are distant.

What does that mean?

A great Hasidic teacher, the Radomsker Rebbbe, explained that Mishnah as referring to truth and falsehood. אמת or truth is composed of the three letters at the farthest

ends of the alphabet. The א is the first letter, the מ is the middle letter, the ת is the last letter of the Hebrew alphabet. It is a sign that אמת is מרוחקין, Truth is dispersed, feeble, weak, disorganized. Whereas שקר, falsehood, consists of three sequential letters, one following the other. Falsehood is מקרובין. Even as the letters of the word, so the concept and practice of falsehood are strong, concentrated, focused, and efficacious in the world in which we live.

Elijah and the Messiah will come not so much for political or national reasons, as for the great moral reason: to dissipate and disperse the power of falsehood, to rob it of its strength and its attractiveness; and to bring close אמת, to make it reign supreme in the life of mankind.

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Grab Him!!

Rabbi Joshua (The Hoffer) Hoffman z"l

Among the many interesting laws in this week's parsha is that of the 'ba bemachteres,' or the thief who digs his way into someone else's house in order to rob him. The Torah tells us, "If the thief will be found in an underground passage, and he is struck and dies, there is no blood for him. If the sun shone upon him, he has blood : he shall surely pay ; if he has nothing, he shall be sold for his theft" (Shemos 22:2-3). As Rashi explains these passages, based on the Talmud, the thief who breaks in knows that the owner of the house will not stand idly by while he tries to take his possessions, but will try to stop him. In response, the thief will try to kill him. Therefore the Torah says that the owner can kill the thief, the rule being that if someone comes to kill you, you can get up earlier and kill him first. However, if the sun shines on him, meaning, if it is clear as day that the thief would not kill the owner even if he stood up against him, then the owner is not permitted to kill him. The rabbis say that this refers to a case of a father robbing his son. The end of verse 3 - "if he has nothing, he shall be sold for his theft," is understood by Ramban as referring back to chapter 21, verse 37, which immediately precedes the verses concerning the 'burrowing thief'. We are told there, "When a man will steal an ox, or a sheep or goat, and slaughter it and sell it, he shall pay five cattle in place of the ox, and four sheep in place of the sheep.' If this burrowing thief who does not intend to kill is caught and does not have the money to pay for his

theft, the Torah is telling us, he is sold as a slave in order to pay back his debt.

Rabbi Yosef Salant, in his commentary Be'er Yosef to parshas Mishpotim asks why the Torah mentions the requirement of paying for one's theft to the extent of being sold into slavery if he lacks the requisite funds, in the context of the burrowing thief. He answers that since, as Rashi explains, this part of the passage deals with a father robbing his son, one might think that we would not make him pay for the theft, especially if doing so would mean selling him as a slave. After all, there is one opinion in the Talmud that the cost involved in honoring one's parents must be provided by the child, and even according to the opinion that the father must pay the expense, when the father cannot afford it, the son must pay. We may, then, have thought that the father has some kind of proprietary right over this child's possessions, and can take them whenever he wants. Therefore, the Torah tells us that this is not so, and the father does have to pay for his crime. I would like to offer a different explanation for the appearance of this law within the context of the law of the burrowing thief, and demonstrate that all of these laws have an intrinsic connection to each other.

My teacher, Rav Aharon Soloveichik, of blessed memory, was fond of telling over a certain story he heard from his father, Rav Moshe, and said that he considered it to be one of the most important stories he ever heard

from him. Late one night, when Rav Moshe was a young boy, living in the house of his father, Rav Chaim, the famed Brisker Rov, some thieves broke into the house, and Rav Chaim woke his sons to see what was happening. Rav Chaim calmly watched as the thieves took all of the valuables in the house, His son Moshe, however, knowing the halacha of the burrowing thief, wanted to stop them (the first time I heard this story from R. Aharon, as I recall, he said that the young Moshe wanted to kill them, although in later versions he only wanted to stop them). Rav Chaim, who actually knew the people who were robbing him, told his son to let them take what ever they wanted. Later, when Moshe asked his father why he didn't act according to the law of the burrowing thief, he replied that, although the Torah does give the homeowner the right to kill the intruder, it is still not the ideal thing to do, and it is, in fact, an act of cruelty to do so. He said that this is why there is a separate section of the Torah devoted to this law, and it is not included in the law of the pursuer, found in parshas Ki Seitzei, in which we learn that if someone is pursuing a woman and trying to rape her, or is pursuing someone and trying to kill him, one can stop the pursuer by killing him. In the case of the pursuer, said Rav Chaim, it is a mitzvoh to stop him, as the Rambam formulates this law in his Laws of Murder and Preservation of Life (1:13). However, in the case of the burrowing thief, it is only permissible to stop him, as the Rambam formulates it in the Laws of Theft (9:7). According to Rav Chaim's reading of the Rambam, then, it is preferable for the homeowner to allow the thief to take what he wants, as Rav Chaim allowed the thieves in his house to do, rather than utilize the Torah's allowance to kill him. Based on this explanation of the Rambam, I believe that we can see a continuity in the three verses we have seen, from chapter 21:37, to chapter 22:3.

In the first verse we are examining, the Torah tells us that if someone steals a sheep, and slaughters it or sells it, he must pay back four sheep in place of that one sheep, and if he steals an ox and slaughters it and sells it, he must pay back five oxen in place of that one ox. Why is there a difference between a sheep and an ox? Rashi cites an opinion in the Talmud that it is because God takes pity on people's dignity. While the thief leads the ox out of its owner's property walking on its own feet, he most likely

carries the sheep on his shoulder, perhaps to expedite the process. The thief, therefore, suffered disgrace during his prohibited operation, and the Torah, in recognition of that disgrace, reduced his obligation. What is amazing here is that the Torah has consideration for the thief due to the disgrace he suffered during the actual act of theft, and considers the disgrace that he went through at that time as a partial payment ! In a similar way, following Rav Chaim's explanation of the law of the burrowing thief, it is preferable to let the thief carry through his unlawful act rather than take advantage of its grant to stop him by killing him. Here, too, the Torah has consideration for the thief to the extent that even during the act of theft, one is advised to let him continue, rather than kill him. Parenthetically, it should be pointed out that the thieves who robbed Rav Chaim, possibly out of gratitude for his restraint during their commission of the crime, eventually returned the stolen property and asked him for his forgiveness.

Seen within the context of the Torah's consideration for the dignity of all segments of society, even the criminal in the midst of his unlawful act, we can better appreciate the final law presented in this sequence, that of the thief who is unable to pay up his debt. Today, we look at the institution of slavery as one which completely ignores the dignity of man, because, in fact, that is the way slaves were usually treated in most societies. However, the institution of the Hebrew slave was totally different. The master had to show consideration for the slave to the extent that if he had only one pillow, he had to give it to his slave to sleep on, rather than use it himself. The Talmud therefore says that anyone who purchases a Hebrew slave is really purchasing a master over himself. Many years ago I heard Rabbi Chaim Dovid HaLevy, the late Sephardic Chief Rabbi of Tel Aviv, deliver a lecture in which he argued that the institution of the Hebrew slave is the Torah's vision of a penal system, and is designed to restore the dignity and self-esteem of this person who was formerly a thief, and eventually rehabilitate him so that he can function as a valuable member of Jewish society. Perhaps it was for this reason, then, that the law of selling into slavery the thief who cannot pay his debt was placed in the context of the law of the burrowing thief, to show that the Torah, by mandating that he be sold into slavery, was, far from ignoring the human dignity of that thief, actually trying to restore it.

Limud Ha-Torah—Beyond To Do

Rabbi Assaf Bednarsh (Transcribed and adapted by a talmid from the YUTorah shiur originally given at Gruss Kollel in Yerushalayim on Feb 4, 2016)

In this week's Parsha, we have the famous pasuk when Bnei Yisroel say: *na'ase ve-nishma*. And we all know the *ma'amar Chazal*: *Be-sha'a she-hekdimu na'ase le-nishma*—when Bnei Yisroel said *na'ase* first and *nishma* second—that was a very significant part of Matan Torah. They received a remarkable reward and the malachim came and placed two crowns on their heads. However, what is the big deal about doing so? They sound similar enough—why does it make a difference which they said first? So, the most common interpretation of the acharonim is that it was making a philosophical point about our commitment to Torah. When we said *nishma*, we had in mind the depth of the Torah—the reasons for doing the mitzvos, etc. And *na'ase ve-nishma* implies that we will not ask whether we understand the logic for performing the mitzvos as a prerequisite to accepting them. No. First, we will do the mitzvos, and then, we will try to understand why we do them—as Rambam says at the end of Hilchos Meilah. It is proper for a person to try to understand the logic of the mitzvos as much as they can. However, we are not Reform Jews. Our commitment does not depend on whether we agree with the Torah or not. Perhaps it makes sense to us, and maybe it does not—we keep the Torah regardless. And that is why Kabbalas Ha-Torah was so wonderful—they committed themselves to keep the Torah whether they understood it or not.

A celebrated drash of Beis Ha-Levi understands it in a more specific way. *Nishma* does not mean philosophizing about the Torah. *Nishma* is about Talmud Torah. And when they said: We will keep the mitzvos before learning the Torah, that was a tremendous triumph. What was so great about it? How can you keep Torah before knowing what you should do and before knowing what the mitzvos are? That is exactly what Beis Ha-Levi—the founder of the Brisker dynasty—addresses. He says that many people mistakenly think that the only reason to learn Torah is to know how to do the mitzvos—and you should only learn *le-ma'ase*. They feel that you should only study the Kitzur Shulchan Aruch unless you are a Rabbi who would have to pasken difficult shailos. And once you have learned all the halachos relevant to your life, that's enough. Says the Beis Ha-Levi: That would be *nishma ve-na'ase*. And indeed, you

should learn Torah for that reason. But that's not the only reason to learn! When we got the Torah, we said *na'ase ve-nishma*—we are going to keep all the halachos, and even when we already know and do everything Hashem commanded us to do, we will still learn the Torah! Because there is such thing as *Torah li-shmah*. We want to learn even those halachos that don't apply to us. We want to learn *lamdus* even if there is no *nafka mina*. We want to learn Kodshim, and we want to learn Taharos—because Torah is so deep. Even if it is not practically relevant to your life right now, everything in the Torah contains Divine wisdom that helps us grow spiritually. Even halachos of pigul and things that have nothing to do with our day-to-day lives—like *Shor Shenagach es ha-Parah*. Therefore, when they said *na'ase ve-nishma*, what they meant was: We are going to learn *Torah li-shmah*—not just as an instruction manual but to come close to Hashem through the chochma of the Torah. And that was the greatness of *na'ase ve-nishma* and its reward!

Rav Moshe Feinstein once said over, on a Mussar level, a pshat in the significance of saying *na'ase* before *nishma*. Often a person would say—*na'ase*—I keep the halacha, and I am ok. I am a tzadik, I am *be-seder*. I learned, and I do the right thing—so I am fine. Rav Moshe says: *na'ase ve-nishma*—even if you do all the halachos properly, you still need to do *nishma*. You should still be open to hearing and learning. You could think: Perhaps I am not doing things right; maybe I can do better. Maybe there are new things that I can take on? And never sit complacently, thinking I am perfect. I don't need to hear anymore. I do everything right. No. Even when you do all the mitzvos, you should be open to growing because you could always grow more and more. And if you do a little *nishma*, you will notice more *na'ase* to do. And you could always rise to a higher *madreiga*. And therefore, we never get there and plateau. Life is always about growing, growing, and growing. And maybe that's the tremendous *madreiga* of *na'ase ve-nishma* when Klal Yisroel said: We will not rest on our laurels and stagnate. We recognize that even if we live until hundred and twenty, we can still grow every one of those years to a higher *madreiga*. And that is why they deserved those crowns and that incredible reward for saying *na'ase ve-nishma*. Shabbat Shalom.

The Infinite Value of Truth

Mrs. Michal Horowitz

In this week's parsha, Parshas Mishpatim, the Torah outlines a total of fifty-three mitzvos, presented to us in the immediate aftermath the giving of the Torah in Parshas Yisro. While Parshas Yisro and Matan Torah were the "fire and lights show" of Revelation, Parshas Mishpatim is full of the "mundane" laws that govern our daily lives as Jews.

Of the myriad of mitzvos commanded to us - most of which are *bein adam la'chavairo*, laws that govern interaction between man and fellow man - the Torah instructs us: *מִדְּבַר־שֶׁקֶר תִּרְחֶק*, *from a word of falsehood, distance yourself* (Shemos 23:7).

If the Torah needs to instruct us regarding such an obvious matter, one which we might assume to be "common sense," then we are reminded that "common sense is not common," and that the wisdom of Torah guides and dictates our every word and action.

On this mitzvah, Rabbi Dr. Abraham J. Twerski zt'l teaches, "There are many rabbinic ordinances enacted as precautionary measures to prevent one from transgressing a Scriptural prohibition. However, this is the only instance where the Torah itself adds a precautionary measure. It is not satisfied with saying, 'You shall not lie to one another' (Vayikra 19:11 - *וְלֹא־תִשָּׁקְרוּ אִישׁ בְּעֵמִיתוֹ*), but here the Torah adds, 'Distance yourself from a false word.' Just what is meant by 'distance yourself'?

"It means that one should act in a way that there will be no need to lie. Think about what you are about to do. Is there a possibility that you may at some time have to deny that you did it? If so, then do not do it. That is how you can distance yourself from falsehood. The prophet equates G-d with truth (Yirmiyahu 10:10). Any breach of truth draws one away from G-d."

Furthermore, the Sages explicitly tell us that "*the seal of Hashem is truth*": *חֹתְמוֹ שֶׁל הַקְּדוֹשׁ בְּרוּךְ הוּא אֱמֶת*: (Shabbos 55a). And we know that the Alef Beis, the letters which make up *lashon hakodesh*, and through which the world was created, (see Rashi to Bereishis 2:23) begins with alef, ends with tav, and the middle letter is mem. Alef-mem-tav, which spells *emes*, truth, is the mark of *lashon ha'kodesh*.

Continues Rabbi Dr. Twerski, "There may be a short term gain from lying, but the only long term profit is in truth." Rabbi Twerski relates the following vignette:

R' Refael of Bershed (d.1826, most famous for his commitment to truth) was delivering a sermon on the evils of falsehood, when one of the congregants left the room. The man later explained to the rebbe, "Rabbi, you were making me feel unbearable guilty. I am a retail merchant, and I cannot tell the whole truth about my wares. Do you expect me to close my shop and go begging?" R' Refael replied, "You will not sustain a great loss if you tell the truth about an item on which you make only a one kopek profit. Just tell the truth about such items for a week, and then come back to me."

After one week, the man reported to the rebbe that he had indeed told the truth about one-kopek-profit items. "Good," said R' Refael, "now you will have no difficulty in telling the truth about two-kopek-profit items." In this way, the man eventually told the truth about all of his merchandise. His reputation as an honest merchant garnered him a large clientele, and he earned much more than he would have had he continued to lie about his products.

Concludes R' Dr. Twerski, "The Sages say that a wise person is one who sees the outcome of their actions (Tamid 32a). This does not mean that one should be a prophet. Wisdom consists of seeing the long term consequences of one's actions rather than just the immediate effects.

"Distancing oneself from falsehood not only prevents one from transgressing the prohibition of lying, but also results in behavior that is both ethical and profitable" (Twerski on Chumash, p.154-155).

The final mishnah of perek alef in Pirkei Avos teaches: *על שלשה דברים העולם עומד, על הדין ועל האמת ועל השלום*, - *upon three things does the world stand: on justice, and on truth, and on peace*. Without these three elements, the world simply could not continue to exist.

HaRav Yisroel Meir Lau shlita, in his commentary to Pirkei Avos, points out that when the pasuk describes creation, it says: And Elokim said, *תִּדְשֵׂא הָאָרֶץ דִּשְׂא*, let the earth sprout vegetation (Bereishis 1:11). The word for vegetation, *דִּשְׂא*, can be interpreted as an acronym for: *דין* - justice, *שלום* - peace and truth, for without the earth sprouting the potential for these three elements to exist, the world itself could not remain in existence!

Not only will truth make us more ethical, honest, fair and righteous people, but it will improve our standing in the eyes of fellow man, and certainly in the eyes of G-d!

Mark Twain was noted to have said, "If you tell the truth, you don't have to remember anything." One lie becomes another, and another, until a web of lies have been created, and it becomes difficult to remember what we have said, and to whom.

Winston Churchill was noted to have said, "A lie gets halfway around the world before the truth has a chance to get its pants on." With technology today, we must be even

Freeing Slaves, Respecting Humans

Rabbi Moshe Taragin

Anation of former slaves stood beneath the mountain listening to the voice of Hashem. Ten seminal commandments were engraved upon stony tablets, summarizing fundamental theological and moral values. After the fireworks of Sinai subsided, the rest of the Torah was delivered. Before any rituals, ceremonies or prohibitions are described, civilian laws are outlined. The word of Hashem is meant to fashion an idyllic moral society governed by the rule of law. By listing the laws of torts, damages, contracts and litigation prior to any list of rituals, the Torah stresses the primacy of ethics in religious life. Justice and morality are the foundation of religious experience. If the infrastructure is flimsy the entire structure will topple. Without morality and justice, religion cannot be sustained.

This extensive system of commercial laws and judiciary procedures is introduced with specific laws governing slaves. In particular, the opening section of Mishpatim highlights the various methods by which a slave can achieve freedom. Additionally, these verses describe the harsh penalty for those who opt into lifelong slavery. Ear piercing is meant to deter people voluntarily choosing permanent slave status. The halachot of the Torah are launched with the laws of liberating slaves.

Actually, according to the midrash, well before redemption even began, the Jews had already been instructed to emancipate their slaves. Bizarrely, Moshe's initial announcement of redemption from Egypt was preceded by instructions about releasing slaves. Astonishingly, Jews who were themselves mired in Egyptian bondage, were now cautioned to release their

more vigilant to be sure that before we press "send," what we are about to share is indeed the emes. And that it is a truth of kindness. And if it is not, then better to delete the message and keep it to ourselves, rather than risk ruining the life of someone else, and our own reputation.

The wisdom of Torah precedes all wisdom. From the moment of creation, Hashem implanted the koach of truth into our world. Let us be sure indeed, to stay far away from falsehood - מְדַבֵּר שֶׁקֶר תִּרְחֹק - and to uphold the seal of G-d (*keviyachol*) in our world and in our lives.

own slaves. As they didn't own slaves, this directive wasn't a legal mandate but an important educational message.

The Exodus from Egypt introduced bold new concepts to human consciousness. Hashem descended into His world, debunking ancient pagan myths, while introducing basic tenets of monotheism. Additionally, by liberating us, Hashem reinforced ancient commitments to our forefathers, and selected us as his chosen nation. Beyond theology and Jewish history, yetziat Mitzrayim also presented crucial social and political values to humanity. Chief among these values is a revulsion for human slavery. Every human being is created equally in the image of G-d and none should ever be enslaved by another. Slavery distorts the innate dignity of the human condition.

Not only does slavery vandalize the divine image in every man, but it also obstructs our service of G-d. If we are subject to human authority, we cannot be completely dedicated in our subservience to Hashem. Quoting this concern, the Talmud allows day laborers to prematurely withdraw from their contracts. Man is not meant to serve any human dictator or be unconditionally subject to any human boss.

Liberating millions of slaves from the tyranny of Egypt underscored the abhorrence of slavery. By instructing Jewish slaves to one day release their own slaves Hashem demonstrated His contempt of slavery. Having learned, firsthand, the horrors of dehumanization and slavery, we were meant to stand for something different. We were meant to teach the world about human nobility and dignity. By inserting the mitzvah of freeing slaves into the very onset of Mishpatim, the Torah broadly and loudly

voices its disgust with this institution. It took humanity thousands of years, but, finally, Man realized that slavery is an abomination.

The Torah presents an ideal which would not materialize for centuries. A ancient world without advanced sources of energy and without machines was deeply dependent upon massive levels of manual labor. Without manual labor agriculture, transportation, construction, and other areas of life would stall. Furthermore, the ancient world struggled to produce enough food for its population and, often, the institution of slavery offered shelter and food to those unable to provide for themselves. Additionally, the ideals of social equality and human dignity, had yet to enter human consciousness. In a world pivoted upon rigid social and political hierarchies, slavery wasn't viewed as immoral. For a large part of history, humanity was stuck living with a backward and discriminatory institution. This was not the will of Hashem.

Yet, recognizing that an evolving society would none the less, continue to practice slavery, the Torah provided guidelines. These guidelines are not meant to validate slavery but to provide corrective rules to moderate the brutality of slavery.

Slavery was never preferred, but if it were to occur, it must be regulated and moderated. The Torah provides slaves with multiple "exit strategies" and it all but abolishes multi-generational bondage. Female slaves, who are even more vulnerable, must be freed upon reaching puberty. Commenting upon the care and respect displayed to Jewish slaves, the Talmud issues a hyperbole: "an owner must treat his slave as a master." Though the conditions of non-Jewish slaves are more harsh, they too musn't be treated as mere chattel. Any major bodily harm or injury caused by the owner is legal cause for termination. Though the Torah doesn't idealize slavery, it still provides guidelines to partially civilize it. Thankfully, the modern world has mostly abolished slavery. Technology has automated much of our labor and advanced agricultural methods have provided sufficient food to feed our planet. The advent of democracy underlined the value of personal freedom and of basic human rights.

The road to a slaveless society wasn't always easy. Along the road to industrialization, we faced a challenge of creating humane conditions in newly founded factories. These horrors of factory conditions led, in part, to the emergence of Marxism which prophesized a working-class

uprising against the wealthy. Modern capitalism learned to provide more civilized factory conditions and Marxism vanished from the historical stage.

Formal abolition of slavery hasn't erased cultural barriers or even personal bigotry. These will take more time to fade. Sadly, even in the modern world we still witness crimes of human trafficking, but this crime exists on the criminal margins of society which has thankfully abolished institutionalized slavery. Apparently, the message of releasing slaves no longer applies in our world. Or so it would seem...

We may not own actual slaves in the classic sense, but we still must avoid dehumanization of people who we sometimes-incorrectly- feel superior to. Sometimes we are disrespectful to people who perform subservient functions for us. In every society, people contract "out" services which they can't or don't want to perform on their own. Those who provide "skilled services" are generally admired and well respected. For example, we naturally respect doctors who heal

us, financial managers who earn profit, and teachers who educate us. Regrettably, we don't always offer the same respect to providers of more menial services. We often feel superior to them simply because they are unskilled and because their services are cheaper and more readily available. A taxi driver provides a service we can't provide on our own: we either don't possess our own automobile or are in transit and have no access to our automobile. Either way, we are paying for an unskilled service. It is easy to feel superior or even, G-d forbid, express our disrespect to people who are "serving" us not as slaves but as "providers". We may not be treating someone as a slave, but we are ignoring the human dignity which Hashem endowed in this person.

At the shiva for my Rebbe, Rav Aharon Lichtenstein, I was struck watching the Palestinian maintenance workers of yeshiva sobbing with grief. They recalled that every erev Rosh Hashanah, Rav Lichtenstein would personally wish each of them a shanah tovah wish, also extending his best wishes to their wives and children. It was one of the many lessons I learned about respecting all of humanity.

Every mitzvah in the Torah possesses timeless application. Hashem instructed us to free slaves. In 2022 that mitzvah demands that we never treat "common" service providers with disrespect. Nobility of character is a product of how much respect we show others.

Doing, Hearing and Thinking. Oh My!

Rabbi Steven Gotlib

Parshat Mishpatim includes one of the most quoted verses in the Torah: “Then he took the record of the covenant and read it aloud to the people. And they said: Naaseh V’Nishma!” (Shemot 24:7). Those two closing words are at the core of what it means to be a Jew. Although JPS and other popular translations render them into English as “all that the Lord has spoken we will faithfully do,” a more accurate and basic translation is “we will do and we will hear.”

In addition to cutting out some of the additional flowery language, the more accurate translation also flips the order of statements to match the Hebrew original. But what exactly does it mean to prioritize doing over hearing? Many suggestions are offered throughout the Jewish tradition. For example, Rabbi Ovadiah Seforno (Shemot 24:7) interprets it as a statement designed to ensure the Jewish people perform mitzvot without any thought of reward. Rabbi Shemuel ben Meir, on the other hand, says that it means the people will carry out what was already commanded and hear - the intention to perform - the commandments to come. (Rashbam ad loc.)

Meanwhile, in the Chassidic tradition, Rabbi Menachem Nachum Twersky (Meor Einayim Yitro 3) suggests that it means that the Jewish people will exert themselves in this liminal world in order to enjoy eternal pleasure in the World to Come, while Rabbi Nachman of Breslov (Likutei Moharan 33) interprets it to mean that humanity fills the Torah with light as mitzvot are performed. This act of filling the Torah with light is what allows the Divine voice underlying those commands to be heard more clearly in our lives.

Another type of answer, however, is suggested by Rabbi Lord Jonathan Sacks zt”l. (Covenant and Conversation, Mishpatim 5780) He first notes that while the word naaseh is clearly referring to the realm of action, there are at least three different ways to understand the word nishma: hearing, obeying, or understanding. Rabbi Sacks follows this analysis by suggesting that Jews are called upon to

be united on the level of naaseh (“minor” disagreements between Ashkenazim and Sephardim, Chassidim and Mitnagdim, or amongst leading halachic authorities notwithstanding) but no such call is made on the level of nishma. In his words, “Judaism has had its rationalists and its mystics, its philosophers and poets, scholars whose minds were firmly fixed on earth and saints whose souls soared to heaven.” The vast majority of the time, observant Jews act uniformly with one another, united in observance of Shabbat, Kashrut, and more. That uniformity in action, however, need not always come with a uniformity of opinion. While Judaism is a religion of creed as well as deed, Rabbi Sacks notes that there is significant room for individuals to personalize their religious worldviews. I need not view Judaism the same exact way as someone else who has lived a different life full of different experiences.

Such a perspective may also shed light on the talmudic teaching which associates the 365 prohibitions with the days of the solar year and the 248 positive commandments with a person’s limbs. (Makkot 23b) Rabbi Yosef Albo (Sefer HaIkkarim 3:27) writes that observance of these laws is how human beings attain perfection. He goes on to write (3:28) that this is also why the commandments are split into different internal subsets - chukim, mishpatim, and deot - as well as commandments and prohibitions. Every single mitzvah provides an opportunity to achieve perfection through our thought, speech, and action. So too does every limb of our body have a particular use, and each new day comes with new chances to live up to our unique potential.

Indeed, thinkers such as Rabbi Chaim of Volozhin (Nefesh HaChaim 1:4) and Rabbi Shneur Zalman of Liadi (Likutei Amarim 1:4) both stress that mitzvot are cloaked in human thought, speech, and actions. All three, no matter how minimal, provide unlimited room for us to connect with our Divine Source and achieve perfection here and now.

Justice! Justice!

Rabbi Ephraim Z. Buchwald

This week's parasha, parashat Mishpatim, contains an abundance of laws that cover a vast array of Jewish civil and criminal jurisprudence.

Rabbi Simcha Bunam brilliantly interprets the verse in Deuteronomy 16:20, צִדְקָה תִּרְדּוּף, *You will surely pursue justice*—that one must pursue righteousness only through righteous means! In light of this exalted standard, this week's parasha, Mishpatim, provides some of the most enduring examples of the pursuit of pristine justice through righteousness.

The Torah posits that the effort to attain ultimate justice must begin with the fundamental principle articulated in Exodus 23:7: מִדְּבַר שֶׁקֶר תִּרְחֹק, Jews are required to distance themselves from false reports. Again, citing Rav Bunam of Peschischa, the commentary of the ArtScroll Stone Chumash states, “So much does G-d abhor falsehood, that we are commanded to stay far away from even an appearance of a lie.” This is reminiscent of the ethical conduct expected from attorneys today who are admonished to avoid even the semblance of an impropriety.

Similarly, a proper judicial system cannot tolerate unfair advantages to favored citizens, hence the words of Exodus 23:8: וְשֹׁחַד לֹא תִקַּח, *You may not accept a bribe*, is an essential and fundamental rule required for the establishment of a truly just society.

Once the Torah establishes the fundamentals, the Bible sets a judicial standard far above what jurists conventionally refer to as “justice.” A seemingly simple verse such as Exodus 23:7, וְנִקְי וְצַדִּיק אַל תִּהְרַג, *You shall not execute the innocent or the righteous*, has broad implications. With this verse, the world is introduced for the first time, to the concept of “double jeopardy.” The Torah asserts that if a person was previously found guilty in a court of law, and new evidence is uncovered indicating that the defendant is innocent, the previously-convicted person must be returned for a new trial. However, if the defendant was acquitted, and new evidence of guilt comes to light, the case may not be reopened. The Torah reassures us that the Al-mighty is the ultimate dispenser of justice and will punish those who deserve it. Mortals may think that a guilty person is escaping justice, yet the verse clearly concludes, כִּי לֹא אֶצְדִּיק רְשָׁע, *I [G-d] will not exonerate the*

wicked!

Equally revolutionary is the statement of Exodus 23:6, לֹא תִטֶּה מִשְׁפַּט אֶבְיָוֹת בְּרִיבוֹ, *You shall not pervert the judgment of your destitute person in his grievance*. The Rambam, explains this verse to mean that if a person is destitute in the performance of commandments, that even if the defendant is a person who is truly not righteous, the judicial system is, nevertheless, not permitted to rule against him/her because of their personal demeanor or behavior.

Throughout the Torah we are taught that a person's personal status is not to be a consideration in the administration of justice. “Justice” is to be determined solely on the basis of a person's guilt or innocence, not a person's character. Hence, Jewish law prohibits adjudication on the basis of wealth or poverty, goodness or evil, only purely on the basis of justice. One may be tempted to argue that before us stands a poor person who needs to be sustained, so let this wealthy defendant pay the few dollars that the impoverished fellow claims to be owed. The Torah declares: Absolutely not! Only the merits of the case may determine a person's judgment.

While it is probably accurate to conclude that, historically, many sources of law have contributed to our contemporary understanding of secular jurisprudence, the Torah was there long before the others, in the forefront of time, establishing fundamental and revolutionary guidelines for all humankind.

May the time soon come, when all civilization will recognize the Torah's fundamental and far-reaching principles of justice and incorporate them into their own judicial systems. Let us pray that pure and righteous justice will soon become the cornerstone of all societies, and that all evil and wrongdoing will vanish from off the face of the earth.