

LAWS AND ATTITUDES

by Shlomo Katz

Parshas Mishpatim

Laws and Attitudes

Mishpatim - Shekalim
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Today's Learning:
Sotah 1:2-3
Daf Yomi (Bavli): Megillah 10
Daf Yomi (Yerushalmi): Eruvin 15
Molad: Shabbat A.M. 11:17 + 17 chalakim

In every non-leap year, this week's parashah, Mishpatim, is read together with the special reading known as Shekalim. This is not coincidental, writes R' Moshe Avigdor Amiel z"l (1883-1945; Chief Rabbi of Antwerp and Tel Aviv). He explains: Our parashah opens, "And these are the mishpatim / laws that you shall place before them." Our Sages understood that "placing" the laws before Bnei Yisrael demanded more from Moshe than just "teaching" them. Moshe had to be, and was, wholly devoted to his responsibility to communicate the laws to Bnei Yisrael. And, unlike many lawgivers, Moshe actually practiced the laws that he transmitted.

Moshe is considered the father of all prophets. We read about one of the prophets -- Avraham -- "So shall you do as you have spoken" (Bereishit 18:5). This is the common denominator among the prophets; they speak, but they also do. Indeed, this is why Hashem chose as a leader someone (Moshe) who had a speech impediment -- to downplay the role of speech and emphasize the importance of action.

The attitude of Moshe and his fellow prophets stands in contrast to the attitude promoted by the yetzer hara. We are taught that the Torah's laws may be divided into several categories: there are chukim / laws with no obvious reason, and there are mishpatim / rational laws. The yetzer hara ridicules the chukim, while of the mishpatim, the yetzer hara says, "If they had never been written, they would need to be written." The yetzer hara acknowledges that mishpatim should be written, but he does not advocate practicing them.

But practicing the laws is not enough. Much of Parashat Mishpatim teaches us how to judge monetary cases. Then we read Parashat Shekalim to teach us the proper attitude toward money. The mitzvah of giving a half-Shekel applies to the rich and poor equally and thereby teaches the rich man not to view the poor man as lesser than himself. This does not mean that the Torah promotes socialism, but it is meant to make us think about the situation of others. (Derashot El Ami p.561)

"V'aileh / And these are the mishpatim / laws that you shall place before them." (21:1)

Rashi comments: "Wherever 'aileh' / 'these are' is used, it separates the preceding section from the section that is being introduced. Where, however, 'V'aileh' / 'and these' is used, it adds something to the former subject. This is the case here: 'And these are the laws.' Just as the Ten Commandments [in last week's parashah] were given at Sinai, so the laws in this parashah were given at Sinai. Also, why is this section dealing with the 'civil laws' [as well as criminal laws] placed immediately after the verses commanding the making of the altar [at the very end of last week's parashah]? To tell you that you should seat the Sanhedrin / Supreme Court in the vicinity of the altar."

R' Yechezkel Yaakovson shlita (Rosh Hayeshiva of Yeshivat Sha'alvim) asked: Would I have thought that the civil and criminal laws, which after all are part of the Torah, were not given by G-d at Sinai?

Also, why indeed should the Sanhedrin be located in the Bet Hamikdash?

He explained: Both of Rashi's comments are meant to teach that man's ability to grow in his relationship to G-d ("bain adam la'Makom"), represented by the revelation at Har Sinai and by the Temple, is dependent on his respect for the property rights and other rights of his fellow man ("bain adam la'chavero"). The Sanhedrin, the supreme arbiter of civil law and property rights belongs in the Temple because these two aspects of Torah are inseparable. This is illustrated by a remark of the Chafetz Chaim when he saw a man immerse himself in the mikvah in preparation for Shabbat and then dry himself on a third person's towel without permission. The Chafetz Chaim told that man, "You may have immersed in the mikvah, but you have not purified yourself for Shabbat; in fact, you are dirtier now than you were before."

There is a deeper message as well. We read in Tehilim (147:19- 20) and recite in our daily prayers: "He tells His word to Yaakov, His chukim / religious laws and mishpatim / civil laws to Yisrael. He did not do this for any other nation, and mishpatim -- they do not know." Is this true? I would understand if the verse said, "Chukim / religious laws -- they do not know," but don't all societies have civil and criminal laws?

R' Yaakovson explained: Among societies, civil and criminal laws exist to promote social stability. In the absence of property rights etc., societies could not function. However, that is not the purpose of the mishpatim in our parashah. The mishpatim do not exist to protect your neighbor, but rather to promote your own spiritual growth. That is, indeed, a type of mishpat (singular of mishpatim) that the nations do not know.

For example, halachah says that a burglar must, in certain circumstances, pay double what he stole. Not so an armed robber, who pays at most the equivalent of what he stole. Isn't an armed robber a bigger threat to society than a burglar, since the former is ready to kill, while the latter avoids confrontation? Maybe, but that is not the concern of the mishpatim. Mishpatim view a burglar as a greater sinner, for a burglar, who steals stealthfully, seems to fear man more than he fears G-d. Not so an armed robber; he may not fear G-d, but at least he does not place man on a higher plane than he places G-d.

(R' Yaakovson added parenthetically: This of course does not mean that the Torah is unconcerned with society's well-being. That is why there is a mitzvah to appoint a king, for halachah gives the king the power to legislate for society as he sees fit.)

(Heard from R' Yaakovson 24 Shevat 5767)

From the Haftarah . . .

"Yehoash did what was proper in the eyes of Hashem all his days as Yehoyada the Kohen horaihu / taught him." (Melachim II 12:3)

R' Moshe David Valle z"l (1697-1777; Italian kabbalist) observes: The pasuk does not use the most common term for "[he] taught him" -- i.e., "limdo" -- but rather says, "horaihu." The reason is that "horaihu" connotes the most effective form of teaching -- that of an instructor who takes a parental attitude towards the student. ["Parents" = "horim."]

(Kisai Nachon)

[The above verse can also be translated: "Yehoash did what was proper in the eyes of Hashem all his days that Yehoyada the Kohen taught him" -- but not after Yehoyada died. Our Sages explain that after Yehoyada's death, the servants of King Yehoash reminded him that he had spent the first eight years of his life hiding in the attic of the Temple's Holy of Holies after his grandmother, Ataliah, attempted to assassinate all males from the house of David. Yehoash's servants argued that a mere mortal could never have lived in so holy a place, and that Yehoash therefore was divine. How did Yehoash acquiesce in this logic if Yehoyada had taught Yehoash so effectively?]

Commenting on Yehoash's error, R' Moshe Chaim Luzzato z"l (Ramchal; 1707-1746) warns us:

"Another deterrent to humility is keeping company with or being served by flatterers, who, to steal a person's heart with their flattery so that he will be of benefit to them, will praise and exalt him by magnifying to their very limits the virtues that he does possess. [Thereafter,] he is sometimes praised for attributes that are exactly the opposite of his real attributes. Since, in the final analysis, a person's nature is weak, so that he is easily deceived (especially by something towards which his nature inclines) when he hears these words being uttered by someone in whom he has faith, the words enter him like a poison, and he falls into the net of pride. A case in point is Yehoash, who acted virtuously all the days that he was taught by Yehoyada Hakohen, his mentor. When Yehoyada died, Yehoash's servants came and began to flatter him and magnify his virtues until, after they had virtually deified him, he paid attention to them. It is evident that most men in a position of influence, regardless of their level, stumble and are corrupted by the flattery of their subordinates.

(Mesilat Yesharim Ch.23)

R' Yechezkel Sarna z"l (Rosh Hayeshiva of the Chevron Yeshiva in Yerushalayim; died 1969) elaborates: Even a person who knows that it is wrong to flatter others is likely to have trouble protecting himself when others flatter him. Furthermore, although giving flattery is similar to stealing, for it demonstrates a desire to profit from dishonesty, accepting flattery is far worse. The greater a person is, the worse it is when he believes his flatterers, for when a great person stumbles, he drags others down with him. No one is immune, as we learn from the experience of Yehoash. Thus, no matter how much a person has accomplished in his Divine service, he must always watch out for this most basic of errors.

(lyunim)

Forgotten Festivals

Once again, we present an excerpt from Megillat Ta'anit / The Scroll of Fasts, one of the earliest written halachic works - - dating from long before the Mishnah was set down in writing. Notwithstanding its name, Megillat Ta'anit is not a list of fast days, but rather of days on which fasting and/or eulogizing were prohibited because of miracles that occurred to our ancestors. The Gemara (Rosh Hashanah 18 & 19) discusses whether these prohibitions remain in effect today, and concludes that, for the most part, they do not. As a result, most of the festivals mentioned in Megillat Ta'anit have long since been forgotten.

The anniversary of one festival described in Megillat Ta'anit was yesterday (Friday). We read:

On the 28th [of Shevat], King Antiochus was taken away from Yerushalayim. He had been persecuting the Jewish People and intended to destroy Yerushalayim and annihilate the Jewish People. The Jews could not come and go during the day, only at night. Then he heard bad news [i.e., that his land had been invaded (Eishel Avraham)]. He departed, and died there [i.e., in battle defending his homeland]. The day that he left [Yerushalayim] was declared a holiday.

[The commentary Eishel Avraham says that the villain of this account was the King Antiochus II. According to other sources, it refers to Lysias, regent for Antiochus V, the infant son of Antiochus IV of the Chanukah miracle.]

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