

# JUDGEMENT TO THE SIDE OF MERIT

*by Rabbi Pinchas Winston*

## Friday Night:

Talk about anti-climactic! Of all the parshios to come after Parashas Yisro, and the spectacular episode of the giving of Torah at Mt. Sinai, why this one? It's so technical, and it talks about laws dealing with slaves, and ...

One of the reasons the commentators give for the laws of slaves coming so close to the giving of the Torah is to remind the Jewish people that freedom means serving G-d, not running away from Him. Another reason they give is to tell the Jewish people, while Egyptian slavery was still fresh in their mind, not to forget what slavery was like and end up mistreating those who may end up serving them.

Another reason for such a technical parsha so close after the Sinai Event might have to do with the way people relate to spirituality, especially today.

People are into experiences. They want to feel what they are going through, and if they can't feel it, then it is not a real experience for them. And if it is not a real experience for them, they'd just as soon pass it up, G-d or no G-d. They don't appreciate that often you have to create your experiences by using your mind.

This is one of the reasons, in the words of one psychologist, why the divorce rate is so high. Sometimes throughout the course of everyday life feelings get confused and even battered by the nerve-wracking stress of daily life. Then the same emotions come home and confront a less-than-perfectly-happy life at home, and feel even more stressed out. As time goes on, people have difficulty feeling love for one other, something that is hard to when you are feeling negative emotions simultaneously.

What they have to do is re-focus themselves on each other's virtues to re-create the proper emotional atmosphere, so the love can return. Sometimes it might mean just getting dressed up and going out for a quiet dinner together, or even just a peaceful walk. Unfortunately, many couples don't realize this and just assume that if the feelings aren't there, neither is the relationship.

The same is true when it comes to the religious "experience." People want to feel loved all the time; they want to feel "up" on an ongoing basis. In the words of one woman who wanted to abandon

Torah, "Judaism just doesn't work for me, so I'm going to try something else."

In order for Judaism to "work" for anyone, you have to work for it. Powerfully positive experiences are wonderful, and even necessary for an ongoing Torah-experience, and Shabbos, Yom Tovim, and Torah itself provide this. But we all have days when there's nothing there to feel ... when we feel we just want to walk in "another direction," G-d forbid. Some have. Others have used their minds to re-educate their emotions to once again feel what seemed lost.

Perhaps this is why we are confronted with Parashas Mishpatim so soon after Parashas Yisro, as if to say: Good, I hope you enjoyed the experience; you were meant to. However, it's back to business to build the correct intellectual approach to Torah, which means, first and foremost, intellectually integrating the Egyptian experience, so that you never grow insensitive to the downtrodden and those people under your authority. For society to function properly, it has to have the proper intellectual infrastructure; in the words of one author, "Societies rise and fall on definitions."

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## Shabbos Day:

When two men fight, and one hits the other with a stone or with a fist; if the victim does not die, but is bedridden, and then gets up and can walk with his own strength, then the one who hit him will be acquitted. Still, he must pay for the loss of work, and must provide for his complete cure (ra-po y'rapaih). (Shemos 21:18)

It is a given in Western society for doctors to exist and try to heal people. However, in a Torah society, it is not so obvious, as the Talmud states:

The Bais Medrash of Rebi Yishmael taught: "... provide for his complete cure (ra-po y'rapaih)"; from here we learn the source that a doctor has permission to heal. (Brochos 60a)

We needed a source for the obvious? The answer is yes, because, it is not so obvious that a Jew turns to a doctor for his cure (in fact, there are still Torah-observant Jews to this very day who, if they go to a medical doctor at all, it is only in dire circumstances). Why? Because going to a doctor flies in the face of another concept that is mentioned in bentching (blessing after eating bread) and other places as well:

G-d, our G-d, please make us not require the gifts of human hands ...

In other words, from a Torah-perspective, a doctor is an intermediary. We Jews prefer to receive our blessing directly from G-d Himself, very much the same way that the dove told G-d:

"Better is it for me to receive bitter food from Your hand than sweet food from the hand of man" (Tanchuma, Noach).

Bitter food, instead of sweet food? What's the big deal? It's not as if the Torah forbade us to go to a doctor, or to receive gifts from other human beings? On the contrary, the Torah commands us to take care of our health, and when we're at a loss to do so, that translates into visiting our trusted physicians. Failure to do so, especially at the risk of one's health, can be a transgression of the Torah itself!

Let me try to explain this dual perspective based upon two stories I once heard from Rabbi Moshe Aharon Stern, shlita, the Rosh HaYeshivah of Kamenitz Yeshiva here in Jerusalem, about the Steipler HaGaon, zt"l, about whom many stories are told involving miracles he seemed to have caused.

The first story was about a man who had come to the Steipler Rav for a blessing to recover from a serious illness. He had told the Steipler that he had been taking treatment from the doctors, and that they had diagnosed a serious condition, which they weren't sure they could treat. "Could the Steipler please pray on my behalf to do what the doctors can not do?" The Steipler answered the man, "I will pray for you, but, if you are to be cured, it will be through the doctors." The man left with less confidence in his complete recovery than he had hoped to.

Another man, this time a young Rosh HaYeshivah, had also come to the Steipler for his advice and blessing. His wife had been diagnosed with cancer, and the doctors were pressing her to begin chemo-treatment immediately. The man wept like a child as he begged the Steipler to help him avoid having to go the conventional route to treat his wife's illness. The Steipler, who knew of the rabbi and his trust in G-d, told him, "Go home, and do not worry. Do not go for treatment, because it will be unnecessary." The man took the Steipler for his word and trusted his advice wholeheartedly.

A year later, the woman had become pregnant and was at the hospital for a routine check-up. While there, she happened to see the doctor who had diagnosed her illness the previous year and who had prescribed treatment.

"Where have you been?" he said with concern. "We've been trying to reach you ... You were supposed to have started treatment a year ago! You may have cost yourself the recovery from a deathly illness."

The woman smiled and said, "Actually, I feel fine."

"Well, at least let me examine the extent of the illness!" he pleaded.

The woman didn't want to, but to get the doctor off her case, she relented in the end to an examination. To the doctor's utter surprise, there remained not one trace of the cancer he had found the previous year! Not only had the cancer gone into remission, it had disappeared altogether! The Steipler Rav had been right!

Clearly the woman and her family had witnessed an incredible miracle, as had many who had come to the Rav for his blessing. But what about the man who had come to the Steipler for a blessing, but met instead with disappointment?

Rav Moshe Aharon Stern explained:

"When the Steipler saw that the man had put his trust in the doctors for his cure, he knew he was powerless to pray for any obvious miracle [since, as the book "Duties of the Heart" warns: in whomever a person places his trust, it is in those hands that G-d leaves the person]. However, with the young Rosh HaYeshivah, he saw a man who wanted to rise above such dependency, and took his wife's illness as an opportunity to increase his trust and faith in G-d. For such a man, the Steipler knew, miracles can happen in an obvious way."

Thus, though the Torah grants the doctor permission to act as an intermediary between Himself and the infirmed, nevertheless, it is a higher level to trust in G-d to the extent that we need no doctor but Him. For, as the Torah states:

It was there that [G-d] taught them a decree and a law, and there He tested them. He said, "If you obey G-d, your G-d, and do what is upright in His eyes, carefully heeding all His commandments and keeping all His decrees, then I will not cause you to suffer any of the sicknesses that I brought on Egypt. I am G-d who heals you (alternatively: your doctor)." (Shemos 15:25)

For many, such trust in G-d may be a new concept. For others, they may already know about this, and balk at the thought of relying upon G-d to such an extent. For a small number of "doves," this trust-relationship with G-d may be the only way to go. However, for all of us, it certainly something to think about, a level to strive for, and something to keep in mind the next time we run to our physician's for their help.

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## Seudos Shlishi:

It might be easy for many a reader to gloss over this parsha to return back to the narrative as soon as possible, rather than get bogged down in many of the technical details of Jewish law (many of which cannot be implemented today).

However, as the Arizal points out (Sha'arei HaPesukim, Parashas Mishpatim), there is narrative even in such technicalities, such as this law concerning the Jewish servant:

If he was unmarried when he entered service, he shall leave by himself. (Shemos 21:3)

Technically, this mitzvah means that if a Jewish male was sold into slavery (either by the courts to help him pay for what he stole but could not repay, or, voluntarily to earn his keep), and he was single at the time, then, when his tenure is up, he leaves single. However, says the Arizal, if you take the first letter of each of the relevant words:

Im ... b'gapo ... yavoh ... b'gapo ...

... You get the letters, aleph, bais, yud, bais, which can be ordered to spell the word "Aviv," which means spring, an allusion to the fact that the Jewish people left Egyptian slavery in the spring (Pesach-time). This is a confirmation of what we said above, that the laws of slavery are taught early after the giving of Torah specifically while the memory of Egyptian slavery was still fresh in our minds.

Another example of this is the following:

If one hits another person (ish) and he dies, [then the murderer] must be put to death. (Shemos 21:12)

This verse is quite straightforward, legalizing the death-penalty for the person who premeditatively commits manslaughter. However, according to the Arizal, this verse also alludes to the very first act of murder of Hevel (Abel) at the hand of his brother Kayin (Cain).

How? Because the word "ish" is a word that is used in reference to Moshe in the Torah, and Moshe was the reincarnation of Hevel. On the other hand, Kayin reincarnated into the Egyptian that Moshe killed while in Egypt, after which he buried him in the earth (just as the earth had "swallowed" up the blood of Hevel), and then later into Korach, who challenged Moshe in the desert, the punishment for which Korach (Kayin) was swallowed up by the earth! How's that for measure-for-measure?!

According to the Arizal, this is why the verse ends with the doubling of the word for "to be killed" (mos yu-mos)-to allude to the two times that Kayin paid for his murder of his brother, once as the Egyptian, and the second time when Korach was swallowed up by the earth.

Hence, nothing is so technical in the Torah that it doesn't have a story to tell.

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## Melave Malkah:

According to the Pri Tzaddik, this parsha is called "Mishpatim" (Judgments) because, in the Zohar, the word "mishpat" implies mercy. However, one could argue (and rightly so), "Is this not an oxymoron?" After all, judgment implies strict justice, whereas mercy speaks of ignoring the demands of justice and forgiving the offender in spite of the law.

At least that's what every child in trouble has thought out loud when he yells to his about-to-punish parent, "Mercy! Mercy! Mercy!"

Of course, the parents answers the child, "This is going to hurt me more than it will hurt you!" which certainly confuses the child, who thinks to himself, "Someone has the wrong definition of mercy here ... and I'm about to pay for it!"

However, what the Pri Tzaddik is alluding to is the idea that there is no greater mercy than justice.

After all, though our bodies dream of a painless society, one in which "you can have your cake and eat it to," our souls long for the World-to-Come, and eventual closeness to G-d. But let us not forget that the world of the body is destined to last 6,000 years; the world of the soul will last forever!

If so, what need is there for mercy that does nothing to correct the acts of the transgressor, and allows children to physically grow while remaining spiritually stunted? What good is mercy that allows a person to improperly indulge in This World, while at the same time denying him eternity with G-d?

This is why Parashas Mishpatim is the last of the parshios that make up the six-week period of Shov'vim (see Parashas Bo), which we said was a time for tshuva (repentance) from love, as opposed to because of a fear of punishment. By "giving it to us straight," these judgments are the biggest act of mercy that G-d could do for us, since they provide us with the key to self-fulfillment, spiritual maturity, and G-d willing, our ticket to the World-to-Come.

Taking all of this to heart could do wonders to improve the spiritual and physical quality of one's life, not mention of the present security threat facing the Jewish people.

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Have a great Shabbos.

Pinchas Winston

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