

SOUND JUDGEMENT

by Rabbi Pinchas Winston

Friday Night:

These are the judgments (mishpatim) which you will place before them ... (Shemos 21:1)

Just as a side point, it is interesting that last week's parshah ended off with laws of modesty, just before beginning with these week's parshah, and mishpatim. The point is simple and pure. Sound judgment is based upon modest behavior.

Why?

Because both come to accomplish the same objective: protect human dignity. The laws of modesty are designed to remind us, and to promote the fact that we were made in the "image of G-d," and that life is for living up to that image. Mishpatim--judgments--are laws, or rather, "guidelines" to channel energies that might otherwise interfere with such a spiritual mandate, the underlying theme of the entire parshah.

With Parashas Mishpatim, we bring the period of "Shov'vim" to a close. For those who don't recall, Shov'vim is a word made up of the first letter of each of the first six parshios of Sefer Shemos:

Shin--Shemos

Vav--Va'airah

Bais--Bo

Bais--Beshallah

Yud--Yisro

Mem--Mishpatim

Why these six parshios, and not others?

These are the parshios that detail the redemption from Egypt, which is all about the formation of the Jewish people as a nation and their acceptance of their mission of being a "light to nations." But if that is the case, then why is Mishpatim included? Wouldn't it have been enough to stop with Parashas Yisro, and the giving of the Ten Commandments?

The truth is, this parshah does a similar thing, seemingly going out of its way to incorporate all the mishpatim--judgments--into the Sinai experience. Last week's parshah ended with the giving of

Torah on the sixth of Sivan, which should have been followed by Moshe's ascension up the mountain to receive the rest of Torah the next day:

G-d said to Moshe, "Come up to Me, to the mountain, and remain there, and I will give you tablets of stone, and the law, and the commandments which I have written to teach them ..." (Shemos 24:12)

Instead, where does the Torah place that part of Kabbalos HaTorah? At the end of this week's parshah--seemingly sandwiching a lot of technical laws in-between. Why?

The answer is that famous statement from the rabbis:

The Tablets are the handiwork of G-d, and the script was G-d's script charus (engraved) on the Tablets. Do not read "charus" (engraved) but "cheirus" (freedom), for you can have no freer man than the one who engages in Torah study. (Pirkei Avos 6:2)

Remember, "Shov'vim" is about achieving freedom. The Har Sinai experience was very dramatic. People love drama; they love excitement, which is fine, because that is often the source of a lot of our inspiration in life. We need inspiration to overcome laziness, and fear, and whatever obstacles the yetzer hara throws in our paths to deter us in our effort to be closer to G-d.

However, says the "mem" of Mishpatim, the "end" of the process has to be "judgments." It has to be an acceptance that living by Torah means finding excitement within the details of Torah, using your mind to see past biases, even if it is difficult, emotionally, do so. It means using our mind to make sound, Torah judgments, based upon as much Torah as we can martial.

The Jewish people have a penchant for drama (just check out of the history of Hollywood). However, sometimes we can use our sense of drama and our imagination to create the illusion of freedom. But that is not true, LASTING, freedom, for, as it says in Pirkei Avos:

"... You can have no freer man than the one who engages in Torah study."

Shabbos Day:

If a man acts intentionally against his fellow-man, to kill him with deception, you must take him from My altar that he may die. (Shemos 21:14)

"That is, even if he is a priest who wants to do the Temple service, take him to be killed." (Rashi)

Of course he is to be taken away to be killed--would we have thought otherwise? What is the Torah stressing?

The Talmud answers this question, and really, Rashi's words allude to the answer as well, when he says "even if he is a priest who wants to do the Temple service." In other words, only if he is not

already in the middle of the service, is he taken away to be killed. In the kohen is already serving, then, he is not removed until after he finishes what the service (Yoma 85a).

This is one of the reasons the Talmud cites why Yoav, who fled King Solomon to avoid execution, was killed even though he had clung to the "horns" of the altar in Shiloh (I Melachim 2:28). He had erred, not realizing that, even had he been a kohen, it wouldn't have helped him unless he had been in the middle of the service (Makkos 12a). He had mistakenly sought refuge at the altar.

However, the big question is, how can we let a sinner be responsible for carrying out such an important mitzvah on our behalf? Doesn't the blood on his hands interfere with the purity of his service of G-d? Does G-d want the service of a murderer, even an accidental one?

The Rambam, when explaining this law, uses the language of, "hamizbayach koleit," that is, "the altar collects" (Hilchos Rotza'ach 5:12). In other words, there is something special about G-d's altar (at least in the Temple and for a priest in the midst of the Temple service), that "pulls" the kohen in and provides him with temporary immunity.

Perhaps it was the fact that the Temple service was done on behalf of the entire Jewish nation, and not for the kohen himself. Thus we find, many times in halachah, that the need of the community is the reason for leniencies not otherwise permitted. One classic case is when the majority of the Jewish people are in a state of spiritual impurity, and there is not enough time to become purified before sacrificing the Pesach-Offering.

Normally, it is forbidden to offer the Pesach-Offering while in a state of spiritual impurity. For such individuals, they usually have to wait until the following month for what is called, "Pesach-Sheni," the "Second Passover" on the fourteenth of Iyar.

However, when the majority of the nation is impure, rather than push them off for a whole month, the halachah itself is pushed off by another halachah that says, offer the Pesach-Offering anyhow. Such is the power of the community, and its fulfillment of its commitments to G-d.

SEUDAH SHLISHI:

You must be a holy people to Me-do not eat any flesh torn out in the field; it may be given to dogs.
(Shemos 22:30)

This law is the one not to eat meat from a kosher animal that was wounded in such a way as to lead to its death. It is really "treif," because the word itself means to be "torn." However, unlike a mixture of milk and meat that was cooked together (Shemos 23:19--also in this week's parshah), one can still derive some benefit from it, such as feeding the meat to his dog.

However, the Zohar adds an element to this that opens up the whole discussion about kashrus:

... It may be given to dogs...

"This refers to SMA"L ..." (Zohar, Tzav 49)

In case you don't recognize these letters, they are the English equivalent of the letters: samech, mem, aleph, lamed. Don't sound out the letters, because they form a name we don't like to pronounce--the name of the Obstructing Angel, the facilitator of all of man's evil in This World. It is to him that you can throw this treif meat.

No offense to dog-lovers, but the Zohar is telling us that "dog" here is a euphemism for that negative angel. Throwing treif meat to the dog in this posuk symbolizes throwing it to the Angel of Evil.

Why? And why should we even have to know about this?

In short, kashrus is not just about diet--it is about recognizing what is holy and what is unholy in This world, in order to adhere to that which is holy. As the verse began:

You must be a holy people to Me ...

Our physical eyes do not reveal to us what the spiritual world looks like. But if they did, we would see a different picture. With such a spiritual vision, you would look at a kosher animal, and you'd see an aura of light radiating out from it. If you looked at a human being, you would see an even more intense spiritual light--the more spiritual the object, the more intense the light.

However, impure things in creation, such as unkosher food, would reveal an absence of light. It would be clear from looking at such objects that they only prevent one from achieving spiritual growth. We would know to avoid such food because we would be sensitive to the fact that it contains elements of creation that pull us in the wrong direction.

However, most of us do not possess the ability to view things this way. Therefore, the Torah tells us what to eat to be holy, and what to avoid. The Zohar builds upon the Torah's words by elucidating them. This way, we can understand why the Torah is so strict about areas of life, such as dietary laws.

Melave Malkah:

I will send an angel before you to safeguard you on the way, and bring you to the place that I have prepared. Be careful in his presence and heed his voice. Do not rebel against him, since My name is with him. He will not forgive your disobedience ... (Shemos 23:20)

Regarding these possukim, the Rambam writes:

"The point of this verse is explained in the Mishnah Torah, as G-d told Moshe at Mt. Sinai, 'I will raise

up a prophet from among them, like you, and I will put My words in his mouth, so that he can tell them all that I have commanded him. Whoever does not listen to My words which he will speak in My name, I will hold guilty.' (Devarim 18:18). The proof of this is because it says here, 'Be careful in his presence and heed his voice ...' Now, there is no doubt that this command was meant for the masses, yet, the masses could not see an angel and therefore did not need to be warned regarding one. Rather, this is telling them about the prophet who will rise up among them, whom an angel will instruct and command, and therefore, they were warned regarding the angel, whose words the prophet will give over to us ..." (Moreh Nevuchim 2:34).

In other words, all prophets, other than Moshe, could only receive their prophecy through an angel. By disregarding prophecy, one was, in fact, disregarding the angel who brought that prophecy. According to the Ralbag, however, "angel" actually refers to the prophet himself, and not a real angel. From the Book of Yehoshua itself, it would appear as if a real angel did in fact lead the Jewish people:

When Yehoshua was in Jericho, he lifted up his eyes and saw a man standing opposite him, with his sword drawn in his hand. Yehoshua went to him and asked him, "Are you for us, or for our enemies?" He answered him, "No, but I am the captain of the host of G-d; I have now come ..." (Yehoshua 4:13-14)

"I have come now ... To your aid, for no man can wage war against Jericho and seize it, to throw down the wall. But in the time of Moshe your master, I came and he did not want me, as it says, 'If Your Presence does not go ...' (Shemos 33:15)." (Rashi)

This whole discussion may seem academic, because we have neither angels nor prophets leading us today. Or so we may think. Part of G-d's promise to never abandon us means that we can also expect Him to lead our Torah leaders, in EVERY generation, one way or another. They may not yet have prophecy, but they do have something called "siyitah d'shamayah"--help from Heaven--extra Divine assistance conferred upon them because of their high standing in Torah learning, and their fear of G-d.

So, the posuk may not be as irrelevant as we may have first thought, and it should give us what to think about the next time we feel like questioning the wisdom of the Torah sages of our generation.

Have a great Shabbos,

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