



Partners In Torah
San Diego Study Guide

Parshat Mishpatim
תשפג

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Partners In Torah San Diego

Mission Statement:

Partners In Torah San Diego is a community-wide, independent and inclusive adult education program focusing on understanding Jewish relevancy to our lives by studying text most interesting to each participant.

Through one-on-one discussion for 1 hour each week, friendships are forged between mentors and mentees.

Partners in Torah San Diego has proven to be effective at reclaiming the rich legacy of wisdom, inspiration, and guidance for many who have, until now, lacked access.

Welcome.

Thank you for coming.

Please encourage friends to join you in participating so that we can grow together as a community.

And, Parshat *Mishpatim* starts off in a peculiar way (Exodus 21:1). The Hebrew text begins with a “ו”, which translates as “And,” a word usually used to connect two ideas or concepts. But this is the beginning of a new portion!

(א) וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תַּעֲשֶׂים לִפְנֵיהֶם :

(1) **And** these are the laws (*mishpatim*) that you should place before them:

What two things does the “And” connect? Where is this coming from?

Rashi provides the answer:

Just as the first ones are from Sinai, these, too, are from Sinai. מה הראשונים מסיני אף אלו מסיני

Last week, in *Yitro*, Hashem gave the Ten Commandments to the Jewish people at Sinai. The *And*, this week, connects these laws to those laws. But what is the lesson in this?

A *משפט* (*mishpat*) is a specific type of law, one that is logical, such as, not to steal, or to pay the damages if you have injured someone. These are common sense laws which any functioning society would enact on its own, even if Hashem had not given them. Anarchy and chaos are the death knell of any government. All organized civilizations have basic rules of civil conduct, *i.e.*, *mishpatim*.

America maintains a clear division between Church (religion) and state (civil law). The framers of the American constitution did not want government involvement in personal religious beliefs. These are two different realms, never to be mixed. (Interestingly, the phrase “separation of church and state” does not appear in the Constitution.)

The Torah, on the other hand, comprises all the instructions for perfect human behavior. Hence, there can be no proper or correct aspect of human behavior that escapes the Torah's purview. Laws of social behavior are also part of the Torah.

This, though, raises a question. Why waste several of the Ten Commandments (theft, murder, giving false testimony, honoring parents, adultery) on laws that are obvious to any logically thinking person? And what difference does it make *why* a person doesn't steal? Perhaps it is even better if he reason he doesn't steal is because he understands on his own that it is wrong.

Maimonides, however, teaches us that this is incorrect. In chapter 8:11 of the laws of kings, he writes.

רמב"ם יד החזקה הלכות מלכים פרק ח
(יא) כל המקבל שבע מצות ונזהר לעשותן הרי זה מחסידי אומות העולם ויש
לו חלק לעולם הבא והוא שיקבל אותן ויעשה אותן מפני שצוה בהן הקב"ה בתורה
והודיענו על ידי משה רבינו שבני נח מקודם נצטוו בהן אבל אם עשאן מפני הכרע
הדעת אין זה גר תושב ואינו מחסידי אומות העולם **ולא מחכמיהם :**

*Any gentile who accepts the seven Noachide laws and carefully performs them is a "Righteous Gentile" and will have a place in the world to come. However, this is only if he accepts to do them because Hashem, in His Torah, commanded gentiles to keep them, and let it be known through Moshe that the descendants of Noach are obligated to do them. If, however, he does them (solely) because he feels that this is the right thing to do, he is not a "Righteous Gentile" **and he is not one of their wise men, either.***

What is not wise about a person who has a strong moral understanding that murder and theft are wrong?

The Torah is the prescription for living a moral and upstanding life. When left to its druthers, the human mind is so brilliant and innovative that it can figure out the circumstances under which it is “correct” to steal and “appropriate” to murder. If the only reason that I do not steal is because I have figured out that it is not right, if I would figure out how in this situation that it “is right,” then it would be okay to take someone else’s possession.

A group of professors were travelling when their car ran low on gas. It was the middle of the night, and all the gas stations were closed in the small town they were in. They needed to travel a few more hours, so they pulled up alongside a parked Cadillac and started siphoning off gas into their tank.

“Hey! What are you guys doing? That’s stealing!” cried one of the professors.

“Don’t you see?” came the reply. “We didn’t just pick any car! We deliberately picked a Caddy. The owner of this car is obviously wealthy, and we are professors on an educational mission. It is his good fortune to be able to further higher education by giving us some gas!”

When the law is made by man, it can also be broken by him, because he is free to determine its parameters and applications. But, when Hashem gives the law, it is not humanity’s law to break. We must abide by the rules set by the author of the law.

This is why we need יראת שמים “*fear of Heaven.*” Only when a person’s actions are governed by a higher force that is beyond his control can he be guaranteed that he will always make the right decision. This is why it is unwise to rely on your intellect to determine what is right and what is wrong. The intellect is capable of becoming very creative when it comes to figuring out why it is okay to do something we want to do.

Another one of the professors in the group couldn’t find his very expensive camera. Assuming it was stolen, he submitted a claim to his insurance company. A while later, while rummaging in the trunk for something, he found the “lost” camera.

“I see you found your camera,” said the honest professor. “You need to call the insurance company and tell them that you located it.”

“No, I don’t,” replied the professor. “I pay my premiums for the policy on the camera. The amount of the premium is determined by the number of claims for stolen goods the insurance company expect to receive in the course of a year. My camera is in that calculation, so, since I have paid all my premiums, I have actually paid for a stolen camera, and therefore I am entitled to the money.” Wow! The human mind can rationalize *anything*.

This concept also applies to the commandment “Do not murder” in issues like abortion and euthanasia. These are not matters that man alone is qualified to render a decision on. Only the One who issues life can dictate what constitutes life and the conditions under which it may be terminated. Man’s Involvement in matters of life and death can actually constitute cold blooded murder under the guise of mercy and kindness.

As to abortion, opinions run the gamut from “never” to “why not? It’s your body, and you can do what you want with it.” Many doctors advise abortion when an ultrasound reveals an imperfection in the fetus, saving the parents from any unpleasantness or hardship. The Torah considers a fetus a full-fledged life and sets forth very clear guidelines for this complex and difficult matter. When not permitted by the Torah, abortion is considered murder, but, when permitted, it is a *mitzvah*. This is why Hashem had to tell us in the Ten Commandments not to murder. It is not up to us to decide; we must consult the Torah to determine what Hashem has said on the matter.

Euthanasia seems like such a humane thing to do. An old person, who cannot do much anyway, is suffering with pain. Why not put him out of his misery? How can you stand by coldly indifferent to human suffering? How much longer will he live anyway? Taking his life would be doing him a favor!

This seems logical and sensitive, but it really represents a very limited view of human life. Life in this world is to prepare for an eternal life in the World to Come. We cannot see the whole picture. Only Hashem understands the connections and consequences between this world and the next. He has a vital reason for everything that He does and He does it only for our good. There is purpose and meaning to every bit of suffering and misfortune endured in this world. The benefit of the suffering will only be revealed in the world to come. Then one will realize the immense benefit he received from the suffering that he endured in this life.

A Jewish doctor making his rounds late one night noticed an elderly Jew on a life support machine. Thinking that it was a waste to use the machine on such an old person, he pulled the plug. Sometime later the doctor had a dream in which the elderly Jew came to him and asked him, “Why did you do that? I was in my final stages of preparing

for the next world, and you cut me short. Now, I am suffering because of what I was not able to fix up during my lifetime!” “I am so sorry!” answered the doctor in his dream. “I had no idea anything was going on! Is there anything I can do to rectify my mistake?” The old man told him, “Perhaps, if you begin fulfilling the mitzvot, and keeping the Shabbat, it will be a merit for my soul, and I will not suffer anymore.” The doctor accepted his suggestion.

Hospital triage is another subject that poses many moral dilemmas. The issue of treatment priority may be a matter of life or death for a different patient. The great sages of our times are constantly asked these questions, as the medical field is constantly changing, and new scenarios present themselves. Each question is deeply analyzed and evaluated based on the Torah’s wisdom, and is answered with wisdom and clarity. The answer is not a one-word answer or the first thought that entered the rabbi’s mind. Rather, these written, and often printed, answers comprise pages and pages of the sources and reasoning behind the decision and are later compiled into a book for all to see and learn from. They are breathtaking in their breadth and depth.

How fortunate are we to have a Torah straight from Hashem with the wisdom necessary to understand what Hashem would say in these daunting matters. And how fortunate are we to have great sages who know the Torah and share their wisdom with us.

This is why the Ten Commandments had to contain the seeming obvious laws of do not kill, do not steal, etc.

The tablets on which the Ten Commandments were engraved were two equal blocks of sapphire stone. The first five commandments were written on the first tablet, and the second five on the second. The first five deal with man’s relationship with Hashem, while the second

five deal with man's relationship with his fellow man. The two tablets were equal in size and weight, indicating that, to be a good Jew, one must keep both sides of the tablets and that no one side is more important than the other. It is impossible to be a saint in one's relationship with Hashem and yet act like the devil when it comes to one's wife and children. The Torah is a total package and governs every aspect of life, and to be considered righteous in Hashem's eyes, one must master all his relationships.

Pirkei Avot, Chapters of the Fathers, begins with the receiving of the Torah on Sinai, and charts its transmission through the generations. It begins with the words:

(א) מֹשֶׁה קִבֵּל תּוֹרָה מִסִּינַי, וּמָסָרָהּ לְיֵהוֹשֻׁעַ,

Moshe accepted the Torah from Sinai, and gave it to Yehoshua.

The commentaries ask. Why of all places does the Mishna here begin with the transmission from Sinai? This tractate deals with lessons from the forefathers on how to build good character, and how to act properly with other people.

Rabbeinu Ovadia from Bartenura explains:

(א) משה קבל תורה מסיני - אומר אני לפי שמסכת זו אינה מיוסדת ע"פ מצוה ממצות התורה כשאר מסכתות שבמשנה אלא כולם מוסרים ומדות וחכמי העולם ג"כ חברו ספרים כמו שהמציאו מלבם בדרכי המוסר כיצד יתנהג האדם עם חברו, לפיכך התחיל התנא במסכת זו, משה קבל תורה מסיני לומר לך שהמדות והמוסרים שבזו המסכת לא בדו אותם חכמי המשנה מלבם אלא אף אלו נאמרו בסיני:

I say, that because this tractate is not the discussion of a particular mitzvah in the Torah as the other tractates are, rather they are all about fine character and the proper way to act, and scholars of the world have also written books with the ideas they came up with, on fine character and the proper way to act with other people, therefore, this Mishna begins with the transmission from Sinai, to teach us that the instructions and ideas on good character and proper actions in this

tractate are not the ideas the rabbis have come up with on their own- they were all given on Sinai.

So, even though the *Mishpatim* are logical, we do them only because Hashem has commanded us to. This is the prescription for a moral and upstanding life without compromise.

Rashi (Exodus 21:1) provides a second connection to the previous portion, Yitro, which concludes with instructions for how to build an altar of stones.

ולמה נסמכה פרשת דינין לפרשת מזבח לומר לך שתשים סנהדרין אצל המזבח :

Why was the subject of laws (mishpatim) placed adjacent to the instructions on how to build the altar? To teach us to place the Sanhedrin (the High Court) in the Holy Temple next to the altar.

Once again, we are left wondering, why? What is the connection between the Sanhedrin and the altar in the Holy Temple?

The purpose of the altar is to bring peace between a person and Hashem. When a person commits a sin, it creates a chasm between him and Hashem. The Hebrew word for a sacrifice is קרבן , which comes from the word קרב , which means close. The sacrifice brings atonement for the sin and thus, restores the closeness and the peace.

The *Sanhedrin* is also a peacemaker. When two people are at odds with each other over a money matter, there is no peace between them. Once the *Sanhedrin* has rendered its judgement, the two can live together in peace once again.

Other judicial lessons also derive from the altar. The verses (Exodus 20:22,23) regarding the altar's construction teach us two laws:

(כב) וְאִם מִזְבֵּחַ אֲבָנִים תַּעֲשֶׂה לִּי לֹא תִבְנֶה אֹתוֹן גְּזִית כִּי חֲרָבָד הַנִּפְתָּ עָלֶיהָ וַתְּחַלְלֶהָ :
(כג) וְלֹא תַעֲלֶה בְּמַעְלֹת עַל מִזְבְּחִי אֲשֶׁר לֹא תִגָּלֶה עֲרוֹתְךָ עָלָיו :

And when you make for me an altar of stones, do not build them hewn, for you will have raised your sword over it and desecrated it. You may not ascend my altar on step, so that your nakedness will not be exposed upon it.

- 1) The stones used to build the altar must not be cut with a metal tool. Indeed, no metal may touch them.

Because the altar serves to lengthen one's life and metal forms weapons used to shorten life, it is inappropriate to use metal on the altar's stones. The altar moreover brings peace between a person and Hashem, whereas a sword is a tool for war, just the opposite. This dovetails with the notion that the altar brings peace and the *Sanhedrin* also brings peace to its constituents.

- 2) Don't ascend the altar via steps; use a ramp instead. Why?

The Talmud in Tractate *Sanhedrin* (7b) derives the following lesson from this rule.

אמר רבי אליעזר מניין לדיין שלא יפסע על ראשי עם קודש? שנאמר, "לא תעלה במעלות", וסמיך ליה, "ואלה המשפטים".

Rabbi Eliezer said: How do we know that a judge should not “step” into a room just to make everybody unnecessarily stand up for him? For next to the portion of Mishpatim it says, “Don’t use steps to ascend the altar.”

Don’t use your “steps” to promote your honor. Even though you are a judge, be humble. A judge, who has the authority to judge others and who controls their destiny, perhaps *should* have the right to feel superior to the common man who is subject to his wisdom and power.

To counter that, the Torah requires the judge to be humble and not to hold himself on a step above others.

The Ramban and the Seforno present yet another connection between last week’s portion, Yitro, and *Mishpatim*. The logical laws found in “*Mishpatim*” seamlessly follow the last Commandment, “**Do not covet anything belonging to your fellow.**” We need to know exactly what constitutes property ownership so that we can properly fulfill that commandment. Once we know something doesn’t belong to us, we will not covet it.

How is that? Perhaps, once I know who owns it, I know where to go to steal it, or whom to pester to sell or give it to me!

The Ibn Ezra asks, and answers, the obvious question: How does Hashem expect us to overcome the natural inclination to covet something nice that belongs to someone else? It’s human nature to want nice things, and that they belong to another, doesn’t diminish that desire one bit. Isn’t it unreasonable and unrealistic to expect that from a normal person.

Answers the Ibn Ezra. Imagine a royal parade making its way down the town's main street. On the float in the center of the procession sits the king, the queen, and the royal children. Riding with the king is his beautiful 19-year-old daughter beautifully made up and dressed in a most exquisite gown. On a hilltop overlooking the parade stands a handsome strapping 25-year-old farm-boy dressed in his soiled overalls and muddy farm boots leaning on his pitchfork. As he watches the beautiful princess pass by, does he have any designs of ever marrying her? Is he racking his brain trying to figure out a way to court her? These thoughts would be the farthest thing from his mind, for he knows it's impossible. Neither the king nor the princess would ever consider him a suitable candidate for marriage, and, in truth, he does not imagine himself as a suitable prince. Human nature is that we don't covet something we know we cannot have. This fact is the secret to not coveting something that belongs to your friend.

Ben Azai said (Tractate Yoma 38b):

אין אדם נוגע במוכן לחבירו אפילו כמלא נימא

A person cannot touch even a hairsbreadth of something that is earmarked for his friend.

Hashem gives each person in this world exactly what he is supposed to have, no more and no less. What you legally own is your allocation, and Hashem has determined, that for your mission in life, that is exactly what you are supposed to have. Everyone else in the world is exactly like you and has what he is supposed to have. There is no way for you to take anything from what he has, even a hairsbreadth. What he has is as far away from you as the princess is from the farm-boy.

With this understanding, “do not covet” becomes the “secret sauce” for keeping the four preceding commandments. When a person has this outlook on life, he would not murder, commit adultery, steal or swear falsely. He understands that what belongs to someone else is impossible for him to get, so, why would he try to steal it? One who steals, *thinks* he has acquired new possessions, but in the end, Hashem’s plan will prevail and he will lose it. It is impossible to override Hashem’s plan.

With this understanding, “*do not covet*” is like the knot at the end of a string of pearls, for it is the key to observing all the other commandments.

And, this portion began with a connecting letter that seemed out of place, but, in the end it taught us so many valuable lessons. How remarkable the Torah is.