

PARSHAH IN A NUTSHELL

Mishpatim

Exodus 21:1-24:18

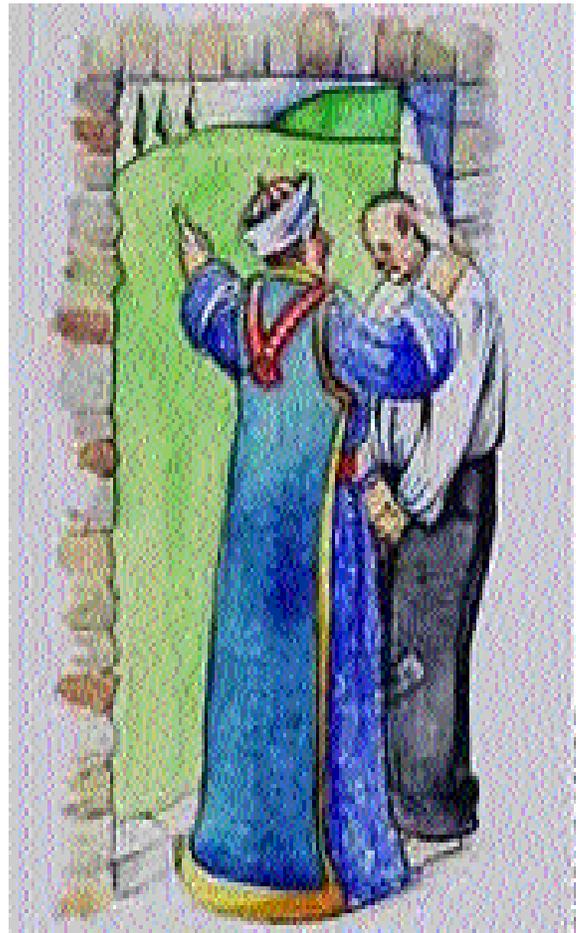
Following the revelation at Sinai, G-d legislates a series of **laws** for the people of Israel. These include the laws of the **indentured servant**; the penalties for murder, kidnapping, assault and theft; civil laws pertaining to **redress of damages**, the granting of **loans**, and the responsibilities of the “**Four Guardians**”; and the rules governing the conduct of justice by **courts** of law.

Also instructed are laws warning against mistreatment of **foreigners**; the observance of the **seasonal festivals** and the agricultural gifts that are to be brought to the Holy Temple in Jerusalem; the prohibition against cooking **meat with milk**; and the mitzvah of **prayer**. Altogether, the Parshah of Mishpatim contains **fifty-three mitzvot** — 23 imperative commandments and 30 prohibitions.

G-d promises to bring the people of Israel to the **Holy Land** and warns them against assuming the pagan ways of its current inhabitants.

The people of Israel proclaim, “**We will do and we will hear**” all that G-d commands us. Leaving **Aaron** and **Hur** in charge in the Israelite camp, Moses ascends Mount Sinai and remains there for **forty days and forty nights** to receive the Torah from G-d.

This week’s Torah reading also includes *Parshat Shekalim* (Exodus 30:11-16), which speaks of the **half-shekel** each Jew contributed to the Sanctuary.



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Exodus 21:1-24:18

Following the revelation at Sinai, at which the people of Israel committed themselves to uphold the Torah and received the Ten Commandments, G-d proceeds to communicate to Moses the rest of the mitzvot ("commandments") of the Torah. The greater part of the Parshah of Mishpatim consists of this communication, containing 53 of the 613 mitzvot.

And these are the laws (mishpatim) which you shall set before them...

If you purchase a Hebrew slave—our Parshah goes on to instruct—he should work for you no longer than six years; on the seventh, he must be set free (the Hebrew "slave" would thus be more accurately termed an indentured servant). If the servant does not wish to go free but prefers to remain in the service of his master,

His master shall bring him to the judges; he shall also

bring him to the door, or to the door post; and his master shall bore his ear through with an awl, and he shall serve him for ever.

(But even this "for ever" is interpreted by the Sages as extending only until the Jubilee which occurs every 50th year, at which time all Hebrew slaves go free, regardless of their desire to remain indentured.)

The indenture of a slavegirl carries additional limitations: she can be kept in service only until she attains maturity; she may be freed earlier than that if her master wishes to marry her himself or marry her to his son. (Here the Torah also makes mention of the three basic duties of a husband towards his wife: food, clothing and conjugal rights). The slavegirl, or her family, also retain the option of "redeeming" her by remitting to her master the value of the remaining years of her indenture (the Hebrew slave also has this right).

Non-Jewish slaves do not have limits on their periods of indenture, but a series of laws protect them against abuse: a slave that has an eye or tooth knocked out by his master must be set free, and a master who causes the death of a slave is liable for the death penalty himself.

Criminal Assault**Commentary****AND THESE ARE THE LAWS WHICH YOU SHALL SET BEFORE THEM (EXODUS 21:1)**

The phrase "and these" (ve'eileh) implies that they are a continuation of what is written before. This is to teach us that just as the laws written above (the Ten Commandment) are from Sinai, these, too, are from Sinai.

(Mechilta; Rashi)

Since the majority of laws set forth in the Parshah of Mishpatim are logical laws, the Torah wishes to emphasize that these, too, are divinely ordained.

(The Commentaries)

IF YOU PURCHASE A HEBREW SLAVE... (21:2)

There is nothing more difficult for a person than to be subjugated to another person. This is why the Parshah begins with the laws on how the Hebrew slave is to be treated.

(Ibn Ezra)

The law that the Hebrew slave must be set free on the seventh year is reminiscent of the Exodus from Egypt referred to in the first of the Ten Commandments. As the Torah says regarding the Hebrew slave: "And you shall remember that you were a slave in the Land of Egypt, and G-d redeemed you; therefore I command you this thing today" (Deuteronomy 15:15). It is also reminiscent of the work of creation, because, like the Shabbat, the Hebrew slave gains respite from serving his master on the seventh year... All time cycles are ordained as cycles of seven—to refer to the seven day cycle of creation. Thus it is fitting that this mitzvah should come first in our Parshah..

(Nachmanides)

And his master shall bore his ear through with an awl (21:6) Why the ear? The ear that heard at Mount Sinai "For the children of Israel are My servants"—yet this person went and acquired a [human] master for himself—that ear should be pierced.

(Rashi)

AND IF A MAN DID NOT LIE IN WAIT [TO KILL], BUT G-D CAUSED IT TO COME TO HIS HAND, I WILL APPOINT FOR YOU A PLACE TO WHICH HE SHALL FLEE (21:13)

Of what case does our verse speak [when it says that "G-d caused it to come to his hand"]? Of the case of two persons who had killed, one in error and another with intent, there being witnesses in neither case [so that neither receive his prescribed penalty]. G-d appoints them both to meet at the same inn; he who had killed with intent sits under the ladder, and he who had killed in error comes down the ladder, falls and kills him [in the presence of witnesses]. Thus, the one who had killed with intent is slain, while the one who had killed in error is exiled.

(Talmud, Makkot 10b)

IF MEN STRIVE TOGETHER, AND ONE SMITE ANOTHER WITH A STONE OR WITH HIS FIST... (21:18)

A person is always liable [for damage he causes] whether inadvertently or willfully, whether awake or asleep: if he blinded his neighbor's eye or broke his articles, full compensation must be made.

(Talmud, Bava Kama 26a)

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The penalty for premeditated murder is death. Unintentionally causing a death is penalized with exile. Kidnapping a person and selling him into slavery is a capital crime.

Retribution is exacted also from one who assaults a fellow: "An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot; a burn for a burn, a wound for a wound, a bruise for a bruise." According to the traditional interpretation of Torah (handed down by Moses from Sinai together with the "Written Torah") these words are not to be understood in the literal sense, but as a judgement of monetary compensation that must be made by the perpetrator to the victim in five areas: (a) actual damage inflicted on the victim; (b) pain and suffering; (c) medical expenses; (d) lost workdays and pro-

ductivity; (e) redress for the insult and humiliation involved.

Laws of Damages

A person is also responsible for damage inflicted by his property:

If an ox gore a man or a woman, that they die; the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be acquitted,

—since he had no way of foreseeing such behavior on the part of his ox. "But if the ox was wont to gore with his horn from yesterday and the day before, and his owner had been warned, yet he had not kept him in, and it killed a man or a woman" the owner verges on forfeiting his own life, and must pay a "ransom" to the heirs of the victim.

If an ox gores another ox, the owner of the goring ox pays half the value of the killed animal; if the goring ox has a history of three past offences, full damages must be paid.

If a man shall dig a pit, and not cover it, and an ox or a donkey fall into it; the owner of the pit shall make it good, and give money to the owner of them...

If a man shall cause a field or vineyard to be eaten, hav-

Commentary

HE SHALL PAY FOR THE LOSS OF HIS WORK, AND HEAL SHALL HE HEAL (21:19)

From here is derived that a physician is allowed to heal (and we do not say that since G-d afflicted the person, it is forbidden to cure him).

(Talmud, Bava Kama 85a)

The young wife of Rabbi Shmuel of Lubavitch had fallen ill, and the doctors were unanimous in their opinion that there was no hope of recovery.

When her father-in-law, Rabbi Menachem Mendel of Lubavitch, was told of the doctors' verdict, he said: "The Talmud specifically derives from the Torah that, 'A physician is allowed to heal.' But nowhere has a doctor been given the right to condemn a human being as incurable."

IF AN OX GORE A MAN OR A WOMAN, THAT THEY DIE; THE OX SHALL BE SURELY STONED (21:28)

Just like a person can be sentenced to death only by a sanhedrin (tribunal) of 23 judges, so an ox that kills can be condemned to death only by a sanhedrin of twenty-three.

(Mechilta D'Rashbi)

He shall restore five oxen for an ox, and four sheep for a sheep (21:37)

Said Rabbi Yochanan ben Zakkai: G-d is considerate of a person's dignity. For an ox, which the thief leads on foot and is not degraded by it, the thief pays fivefold. For a sheep which the thief had to carry on his shoulders, he pays only four times its value, since he was

degraded by it.

Said Rabbi Meir: See how valuable work is. For an ox, whose theft deprived the owner of its labor, the thief pays fivefold. For the theft of a sheep, which caused no such loss of labor, he pays but four times.

(Mechilta; Rashi)

IF A MAN... ALLOWED HIS BEAST TO GO FORTH AND FEED IN ANOTHER MAN'S FIELD (22:4)

Goring is not normal behavior for an ox, so the owner pays only half-damages, unless this ox has gored three times in the past, in which case he pays full damages. On the other hand, eating and trampling is common behavior for an ox, which the owner should have anticipated; so for damages thus inflicted, he must pay full compensation.

(Talmud, Bava Kama 2a ff.)

OF THE BEST OF HIS FIELD... SHALL HE MAKE RESTITUTION (22:4)

This is to teach us that if he wishes to pay for damages he or his animal caused with land, he must pay with prime land (a debtor, on the other hand, can settle his debt with land of average quality).

(Talmud, Bava Kama 7a)

If a man shall deliver to his fellow money or vessels to keep (22:6)

There are four guardians: the unpaid guardian, the borrower, the paid guardian, and the renter. The unpaid guardian swears on everything [and is absolved]; the borrower pays for everything; and the paid guardian and the renter swear in the case of breakage, robbery, and death, and pay for loss and theft.

(Talmud, Bava Kama 93a)

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ing allowed his beast to go forth and feed in another man's field; of the best of his field, and of the best of his vineyard, shall he make restitution.

If fire break out, and catch in thorns, so that the sheaves, or the standing corn, or the field, be consumed; he that kindled the fire shall surely make restitution.

Laws of Theft

If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall restore five oxen for an ox, and four sheep for a sheep....

If the theft be at all found in his hand alive, whether it be ox, or donkey, or sheep; he shall restore double.

But the Torah also legislates laws protecting the life of the thief. What if a person kills an intruder breaking into his home? Is he liable for murder, or is it an act of self

defense? As a rule, the homeowner is justified in seeing his life threatened; but if the circumstances were such that it was clear the thief in no way posed a threat to the homeowner's life ("if the sun shone upon him," as the verse puts it), the thief's life enjoys full protection of the law, like any other person.

The Four Guardians

The Parshah discusses four types of circumstances in which a person is responsible for the care of another's property, delineating the extend of responsibility of each type of "guardian."

(a) An **unpaid guardian** looking after another's property purely as a favor is duty bound to care for the object, but his responsibility in case of mishap is minimal. If the object is damaged or lost as a result of outright negligence on his part, he must pay; but as long as he has provided the reasonable care to which he had obligated himself, and takes an oath to that effect, he is absolved.

(b) A **paid guardian** assumes a greater degree of responsibility: he must compensate the owner in the case of avoidable damages such as loss or theft, but is absolved (by oath) from payment for unavoidable damages such as armed robbery and natural death.

(c) A **borrower** is responsible to return what has been

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"Who is the author of this Mishnah, who maintains that there are four guardians?"

Said Rav Nachman: "It is Rabbi Meir."

Said Rava to him: "Why? Does not everyone say that there are four guardians?"

Said Rav Nachman: "This is what I mean: who is the one who holds that a renter pays like a paid guardian? - this is Rabbi Meir."

"If so, there are not four, but three, classes of guardian!"

Said Rav Nachman: "There are four classes of guardian but only three sets of laws that apply to them."

(*ibid*)

WHEN YOU LEND MONEY TO ANY OF MY PEOPLE (22:24)

Wherever the Torah says the word im ("if" or "when"), the implication is that we are speaking of an action that is optional, except in three instances, where the spoken action is obligatory; this is one of them. (In other words, a person is obligated to loan money to a fellow in need of a loan).

(*Mechilta; Rashi*)

YOU SHALL NOT ACT TOWARD HIM AS A CREDITOR (22:24)

Do not show yourself constantly to him... Do not press him for payment when you know that he is unable to pay.

(*Mechilta; Rashi*)

NEITHER SHALL YOU EAT ANY MEAT THAT IS TORN OF BEASTS IN THE FIELD—YOU SHALL THROW IT TO THE DOGS (22:30)

This is to teach us that G-d does not deprive any creature of its just reward. Because the dogs did not bark at the Israelite when they came out of Egypt (see Exodus 11:7), G-d said: Give them their reward.

(*Mechilta*)

YOU SHALL NOT HEAR A FALSE REPORT (23:1)

This is also to warn against hearing a true report in a manner that results in falsehood, such as when a judge agrees to hear one litigant without the presence of the other.

(*Mechilta*)

Put not your hand with the wicked to be a corrupt witness (23:1)
Even to retrieve monies that are justly yours.

(*Mechilta*)

FOLLOW THE MAJORITY (23:2)

[Rabbi Eliezer and the Sages debated a point of law regarding the ritual purity of a certain type of oven.] Rabbi Eliezer declared it clean, and the Sages declared it unclean...

On that day, Rabbi Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: "If the law agrees with me, let this carob-tree prove it!" Thereupon the carob-tree was torn a hundred cubits out of its place. (Others say, four hundred cubits). Said the Sages: "No proof can be brought from a carob-tree."

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given to him intact, or make good on value, regardless of the degree of his fault in the case of damage. He is absolved only if "the owner was with him" at the time of the mishap.

(d) The Parshah also mentions a fourth case in which a person is responsible for the property of his fellow—the **renter** who pays for its use—but does not specify the degree of his responsibility. (The Talmud cites two opinions on the status of the renter: Rabbi Judah rules that he is like an unpaid guardian, while Rabbi Meir is of the opinion his obligations are identical to those of the paid guardian)..

More Laws

A man who seduces a young, unmarried girl, must pay a dowry and marry her. If her father refuses to allow the marriage, the seducer must nevertheless pay the customary dowry as a fine.

Witchcraft is a capital offence, as is bestiality and offering sacrifices to alien gods.

You shall neither vex a stranger nor oppress him; for you were strangers in the land of Egypt.

You shall not afflict any widow or fatherless child. If you at all afflict them, and they cry to Me, I will surely hear their cry; and My anger shall be inflamed...

Lending Money

When you lend money to any of My people that is poor by you, you shall not act toward him as a creditor; neither shall you lay upon him interest.

If you at all take your fellow's garment as a pledge [for a loan], you shall deliver it to him by sundown. For that is his only covering, it is his garment for his skin: in what shall he sleep? And it shall come to pass, when he cries to me, that I will hear; for I am compassionate.

It is forbidden to revile a judge or curse "a ruler of your people."

Commentary

Again he said to them: "If the law agrees with me, let the stream of water prove it!" Whereupon the stream of water flowed backwards. Said the Sages: "No proof can be brought from a stream of water."

Said Rabbi Eliezer: "If the law agrees with me, let the walls of the study hall prove it!" Whereupon the walls inclined to fall. But Rabbi Joshua rebuked them, saying: "When scholars are engaged in a halachic dispute, what have you to interfere?" Hence they did not fall, in deference to Rabbi Joshua, nor did they resume the upright, in deference to Rabbi Eliezer; and they are still standing thus inclined.

Finally, Rabbi Eliezer said to them: "If the law is as I say, may it be proven from heaven!" There then issued a heavenly voice which proclaimed: "What do you want of Rabbi Eliezer? The law is as he says!"

Rabbi Joshua stood on his feet and said: "The Torah is not in heaven!" ... We take no notice of heavenly voices, since You, G-d, have already, at Sinai, written in the Torah to follow the majority.

Rabbi Nathan subsequently met Elijah the Prophet and asked him: "What did G-d do at that moment?" [Elijah] replied: "He smiled and said: My children have triumphed over Me, My children have triumphed over Me."

(Talmud, Bava Metzia 59b)

IF YOU SEE THE DONKEY OF YOUR ENEMY COLLAPSING UNDER ITS BURDEN, AND ARE INCLINED TO DESIST FROM HELPING HIM, YOU SHALL SURELY HELP ALONG WITH HIM (23:5)

The Hebrew for "donkey," chamor, also means "material." Thus, this

verse also instructs us as to the proper attitude toward the body and physicality:

"When you will see the chamor of your enemy"---initially, you will see your material self as your enemy, as something that obstructs and hinders your spiritual growth.

"collapsing under its burden"---in such a state of animosity between body and soul, the body resists the Torah and its commandments, making them an unbearable burden for it..

One's first inclination may be "to desist from helping him"---to shun the body, suppress its instincts and deny it its wants.

Says the Torah: "you shall surely help along with him." Aid the material self with its "burden" by training it to recognize that the Torah is the vehicle for its own refinement and elevation.

(Rabbi Israel Baal Shem Tov)

IF YOU SEE THE DONKEY OF YOUR ENEMY COLLAPSING UNDER ITS BURDEN... YOU SHALL SURELY HELP ALONG WITH HIM (23:5)

If the owner of the animal went and sat down and said to him, "Since the obligation rests upon you, if you desire to unload, unload," he is exempt, because the verse says, "You shall surely help along with him." (If, however, the owner was old or infirm, one is bound to do it himself.)

(Talmud, Bava Metzia 32a)

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All firstborn sons must be dedicated to G-d. A new-born animal must remain with its mother for at least the first seven days of its life.

The meat of an animal that is *tereifah*—"torn" in the field by a predator—may not be eaten, but must be "thrown to the e dogs."

Judicial Procedures

"Distance yourself from falsehood." Do not accept false testimony, collaborate with a false witness, accept bribes (which "blinds the clear-sighted and perverts the words of the just"), or in any way unjustly influence the outcome of a trial, even to convict the most villainous criminal or to favor the most destitute pauper.

Follow the majority opinion; do not however, "follow a majority to do evil."

It is forbidden to kill a person who has been acquitted by the court, or whom the court was unable to convict, regardless of how convinced you are of his guilt. In such cases, G-d says, leave justice to Me, "for I shall not exonerate the guilty."

Avoiding Prejudice

Exercise your duties toward your fellow man, regardless of your feelings toward him:

If you meet your enemy's ox or his donkey going astray, you shall surely bring it back to him again.

If you see the donkey of your enemy collapsing under its burden, and are inclined to desist from helping him, you shall surely help along with him.

And yet again, the Torah warns:

You shall not oppress a stranger; for you know the heart of a stranger, seeing you were strangers in the land of Egypt.

The Sabbatical Year and the Three Pilgrimages

Six years you shall sow your land, and shall gather in its

Commentary**DO NOT TAKE A BRIBE (23:8)**

An impoverished widow once came to the bet-din (court-house) of the great sage Rabbi Yehoshua Kutner. Weeping bitter tears, she begged him to summon to the court a man she accused of having wronged her.

Rabbi Yehoshua summoned the man to appear before the court, but referred the case to another rabbi, refusing to preside over it himself. "The Torah forbids the taking of bribes," he explained. "Do you think that a bribe is only a gift of money? Tears can also be a bribe that 'blinds the clear-sighted'—especially the tears of a poor widow."

(Maayanah Shel Torah)

DO NOT COOK A KID IN ITS MOTHER'S MILK (23:19)

Meat stems from the divine attribute of justice, milk from the attribute of mercy.

(Shaloh)

AND YOU SHALL SERVE THE L-RD YOUR G-D, AND HE SHALL BLESS YOUR BREAD, AND YOUR WATER (23:25)

In Hebrew, the pronoun "you" has both a singular and a plural form. The above verse, as written in the Torah, is a grammatical abnormality: the words "your bread and your water" (et lachmecha v'et meimecha) are in the singular form, while the "you" in "you shall serve" (va'avadetem) is plural.

Explained the Rebbe of Kotzk: A Jew praying, even a single Jew praying alone, is nevertheless praying for, and together with, the entire community of Israel. On the other hand, a thousand people eat-

ing together are each eating for the sake of their own self.

AND TO MOSES HE SAID, "GO UP TO G-D..." (24:1-18)

The commentaries differ as to the timing of the events described in the closing verses (Exodus 24:1-18) of Mishpatim.

According to Rashi, the Torah now returns to fill us in on the events that occurred before the revelation at Sinai and the speaking of the Ten commandments (recounted in chapters 19-20 above). Moses' summons to the top of the mountain mentioned here is that of the 4th of Sivan—two days before the Giving of the Torah. On that day he relayed (as mentioned in verse 3) "the words of G-d" to the people of Israel commanded in chapter 19 above (to fence in the mountain and sanctify themselves in preparation for the Giving of the Torah), as well as the "laws" which they had already received in Marah; he also "wrote all the words of G-d" (v. 4)—i.e., from the beginning of Genesis until the middle of Exodus, bringing the Torah "up to date" until the Revelation. The altar and the sacrifices mentioned here (verses 4-8) was built and were offered on the 5th of Sivan, which is also the day on which the people of Israel made the famous proclamation: "We will do and we will hear" (verse 7). Then the Torah describes how they "saw the G-d of Israel" at the Giving of the Torah on Sivan 6th. Finally, we read how, following the (general) Giving of Torah, Moses is summoned to the top of the mountain for 40 days to receive the detailed communication from G-d (including the laws we just read in the first chapters of Mishpatim). This is consistent with the rule that "There is no earlier and later in Torah"—i.e., that the Torah does not necessarily relate events in the order in which they occurred.

According to Nachmanides, the Torah is following chronological

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fruits; but the seventh year you shall let it rest and lie fallow, so that the poor of your people may eat, and what they leave, the beasts of the field shall eat...

Six days you shall do your work, and on the seventh day you shall rest; that your ox and your ass may rest, and the son of your handmaid, and the stranger, may be refreshed...

Three times a year you shall celebrate a festival to Me:

You shall keep the Festival of Matzot; for seven days, you shall eat unleavened bread as I commanded you, in the time appointed of the month spring, for in it you did come out from Egypt...

And the Festival of Harvest [=Shavuot] ; the first fruits of your labors, which you have sown in the field.

And the Festival of Ingathering [=Sukkot], which is at the end of the year, when you have gathered in your labors out of the field.

[These] three times in the year all your males shall appear before the Lord G-d.

The "legal section" of *Mishpatim* concludes with another four mitzvot: Not to slaughter the Passover offering while leaven is in one's possession; not to leave an offering overnight; to bring the first fruits of the land to the Holy Temple, and not to "cook a kid in its mother's milk" (the prohibition against mixing meat and milk).

Mishpatim also contains a reference to the mitzvah of prayer: "And you shall serve the L-rd your G-d, and He shall bless thy bread, and thy water."

The Promise of the Land

Behold, I send an angel before you, to keep you in the way, and to bring you to the place which I have prepared... to the [land of] Emorites, and the Hittites, and the Perizzites, and the Canaanites, and the Hivites and the Jebusites, and I will destroy them...

I will not drive them out from before you in one year, lest the land become desolate, and the wild beasts multiply against you. Little by little I will drive them out from before you, until you be increased, and inherit the land.

I will set your boundaries from the Red Sea to the Sea of the Philistines, and from the desert to the river... You shall make no covenant with them, nor with their gods. They shall not dwell in your land, lest they make you sin against Me; for if you serve their gods, it will surely be a snare to you.

Moses on the Mountain

In the closing verses of *Mishpatim* the Torah returns to the

Commentary

order. All the laws that we read in the first chapters of *Mishpatim* were communicated to Moses immediately after the Giving of the Torah on Sivan 6th—before the events related in chapter 24, which occurred on the 7th of Sivan, the day after the Revelation. Hence, "the words of G-d" and the "laws" which Moses related to the people (v. 3), and the divine words which Moses transcribed (v. 4) are the Ten Commandments and the laws we just read in the first part of *Mishpatim*. Following that, Moses ascended the mountain for 40 days to receive the rest of the Torah.

AND [MOSES] TOOK THE BOOK OF THE COVENANT, AND READ IN THE HEARING OF THE PEOPLE; AND THEY SAID: "ALL THAT G-D HAS SPOKEN, WE WILL DO, AND WE WILL HEAR" (24:7)

When the people of Israel gave precedence to "we will do" over "we will hear," a heavenly voice issued forth and exclaimed to them: "Who revealed to My children this secret, which is employed by the angels?" As it is written (Psalms 103:20), "Bless the L-rd His angels, those mighty in strength, who fulfill His word, who hear the voice of His word"—first they fulfill and then they hear...

There was a certain Sadducee who saw Rava engrossed in his studies while the fingers of his hand were under his feet, and he ground them down, so that his fingers spurted blood. "You rash people," he exclaimed, "who gave precedence to your mouth over your ears, still

persist in your rashness! First you should have listened, and if it is within your powers, accept; if not, you should not have accepted!"

(Talmud, Shabbat 88a-b)

The greatness of the people of Israel was not that they were prepared to "blindly" do G-d's bidding without understanding (in which case they would have said only, "We will do"), but that they placed their doing before their understanding. G-d desires that we should do as well as "hear" and comprehend His will, so that we serve Him not only with our hands and feet, but also with our minds and hearts. But our doing should serve as the basis of our understanding, rather than the other as way around.

(The Chassidic Masters)

THIS THEY SHALL GIVE... HALF A SHEKEL (30:13)

The mitzvah of the half-shekel is that each should contribute a coin that [is valued at] half of the dominant coin of that time. If the prevailing coin is takal, they should give a half-takal; if it is a selah, they should give a half-selah; if it is a darcon, they should give a half-darcon.

(Midrash HaGadol)

Why not a complete coin? To teach us that no man is a complete entity unto himself. Only by joining with another can a person become whole thing.

(The Chassidic Masters)

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revelation at Sinai, to complete its description of G-d's giving of the Torah to the people of Israel:

Moses builds an altar at the foot of Mount Sinai, upon which the people offer sacrifices to G-d. Moses then reads "the book of the covenant" to the people;

and they said: "All that G-d has spoken, we will do, and we will hear."

Moses then takes the blood of the sacrifices and sprinkles half on the altar and half on the people, as a sign of their covenant with G-d.

And they saw the G-d Of Israel; and under His feet was a kind of paved work of sapphire stone, and as it were the very essence of heaven for purity.

Following which,

G-d said to Moses: "Come up to Me to the mountain, and be there; and I will give you the tablets of stone, and the Torah, and the commandments which I have written; that you may teach them."

Moses rose up, and his servant Joshua; and Moses went up into the mount of G-d.

And to the elders he said: "Wait here for us, until we come back to you; behold, Aaron and Hur are with you: if any man have any matters, let him come to them.

Moses went up into the mountain, and the cloud covered the mountain... And the sight of the glory of G-d was like a devouring fire on the top of the mountain

before the eyes of the children of Israel.

And Moses went into the midst of the cloud, and went up into the mountain: and Moses was in the mountain forty days and forty nights.

Parshat Shekalim

This Shabbat is the 1st of the month of Adar, at which time used to begin the collection of the annual half-shekel that each Jew contributed to the Holy Temple. So this week's Torah reading is supplemented with the verses (Exodus 30:11-16) that relate G-d's commandment to Moses regarding the first giving of the half-shekel. (When the 1st of Adar falls on a weekday, "Parshat Shekalim" is added to the reading of the preceding Shabbat.)

When you raise the head of the children of Israel after their number, they shall each give a ransom for his soul to G-d...

This they shall give, every one that passes among them that are numbered: half a shekel after the shekel of the Sanctuary—a shekel is twenty gera—a half shekel shall be the offering of G-d.....

The rich shall not give more, and the poor shall not give less, than half a shekel...

And you shall appoint it for the service of the Tent of Meeting; that it may be a memorial to the children of Israel before G-d, to make atonement for your souls."

Commentary

THIS THEY SHALL GIVE (30:13)

G-d took a coin of fire from under His throne of glory and showed it to Moses, saying: "Such as this they shall give."

(Midrash Tanchumah)

Moses could not understand: How could a mere coin serve a person as "a ransom for his soul to G-d"? G-d answered him by showing him a "coin of fire." G-d was saying: When a person performs even a modest act of charity with the fire of passion and enthusiasm, he is giving a piece of his soul...

(The Rebbe of Kotzk)

Money is fire. Like fire it can destroy and annihilate, or illuminate and warm, depending on how it is used.

(Rabbi Elimelech of Lizensk)

The rich shall not give more, and the poor shall not give less (30:15) People differ in their intellect, character, talent and sensitivity. But all are equal in the very basis of their bond with G-d: their intrinsic commitment to Him. So while every man contributed to the making of the various components of the Sanctuary in accordance with their individual capacity, all gave equally of the silver of which its foundation was made. As regards the foundation of the relationship between man and G-d, the rich man cannot give more, and the pauper cannot give less.

(The Lubavitcher Rebbe)

PARSHAH SUMMARY & COMMENTARY

The Criminal, the Litigant, and the Partner

And these are the laws which you shall set before them: If you purchase a Hebrew servant... If a man strikes his fellow with a stone or with his fist... If a person's ox gores the ox of his fellow... If a person gives his friend money or utensils to watch over and they are stolen from the [guardian's] home...

Exodus 21-22

The commandments of the Torah are commonly divided into two categories: laws that govern the relationship “between man and G-d,” and those that legislate the proper conduct “between man and his fellow.” Indeed, the “Ten Commandments,” which are an encapsulation of the entire Torah, were inscribed on two separate tablets: one containing commandments such as “I am G-d your G-d” and “Remember the day of Shabbat,” and the other proclaiming laws like “Do not kill” and “Do not steal.”

But the two categories are deeply interrelated. The Zohar states that the divine instruction, “I am G-d your G-d... You shall have no other gods before Me,” is the essence of all 613 commandments and prohibitions of the Torah. On the other hand, the Talmud tells the famous story of the great sage Hillel, who told a man who asked to be taught the entire Torah while standing on one foot: “What is hateful to yourself, do not do to your fellow. This is the entire Torah—the rest is commentary.”

Ultimately, there is no essential difference between the Torah’s “civil” laws and its so-called “religious” laws. A crime against man is also a crime against G-d, and a crime against G-d is a crime against all of His creations. A kindness to a fellow human being is a kindness to Him who created us all and desires that we live in peace and harmony with each other; and a positive “personal” relationship with G-d has a positive effect on His relationship with creation as a whole and with each and every citizen of His world.

Chassidic teaching takes this a step further, showing how the deeper significance of a mitzvah extends beyond its basic classification as “between man and G-d” or “between man and man” to the other category as well: a mitzvah whose most immediate application is of a “ritualistic” nature is also an instruction in how to behave toward a fellow man; and a mitzvah whose literal meaning places it squarely within the Torah’s “civil code” also

addresses the internal world of the human soul and its mission and purpose in life.

The Ox, the Pit, Man and Fire

Many of the Torah’s civil laws are enumerated in the section of Mishpatim (Exodus 21-24), which immediately follows the Torah’s description of the revelation at Mount Sinai. This, say our sages, is to emphasize that “Just as the previous ones are from Sinai, these, too, are from Sinai”; that in Torah, even the most utilitarian social law is a “mitzvah”—a divine commandment, a revelation of divine will.

The Talmud, which analyzes the biblical verses and deduces the laws encoded within them, devotes its largest tractate, *Nezikin*, to the civil laws of Mishpatim. Because of its size, *Nezikin* is subdivided into three parts, each of which has come to be regarded as a tractate in its own right: *Bava Kamma* (“First Gate”), *Bava Metzia* (“Middle Gate”), and *Bava Batra* (“Final Gate”).

Each of the three “Gates” deals with a different category of civil law; together, they describe humanity’s progress toward a more peaceful and harmonious existence. The same is true of the spiritual dimension of these legal tracts: each “Gate” represents a different stage in our inner development, as our soul matures toward the ultimate realization of its potential.

A reading of the opening lines of each of the “Gates” will serve to illustrate the types of cases they each deal with. *Bava Kamma*, the “First Gate,” begins:

There are four primary classes of damages: the ox, the pit, man and fire.

The “First Gate” goes on to discuss a person’s responsibility for these four categories of damages:

- 1) Damages inflicted by one’s personal property (e.g., a person’s ox goring his neighbor’s ox);
- 2) Damages caused by hazards placed in the public domain (e.g., digging a hole in middle of the street);
- 3) Damage inflicted directly by the person himself;
- 4) Failure to prevent damages arising from potentially dangerous actions (e.g., a person starts a fire on his own property which spreads to that of his neighbors).

In addition to defining the four categories of damages and the numerous sub-categories and particular laws they each contain, *Bava Kamma* also legislates the reparations and penalties for theft and robbery. In other words, the “First Gate” of Torah’s civil law deals primarily with criminal, even violent, attacks on a fellow’s property and person, addressing the most crass form of disharmony among men.

Finders, Keepers and Partners

PARSHAH SUMMARY & COMMENTARY

The laws discussed in *Bava Metzia*, the “Middle Gate,” include: laws pertaining to the return of lost objects; disputes arising out of loans, sales, and employment; and the responsibilities of the “Four Guardians”—the paid and unpaid bailees, the borrower and the renter—for the objects entrusted to their care.

Like the first *Bava*, the “Middle Gate” also deals with disputes between people. But these are, for the most part, more benign conflicts, arising out of honest disagreement rather than malicious or blatantly irresponsible behavior. The first law discussed in this tractate is a case in point:

Two people are holding onto a garment. One says, “I found it,” and the other says, “I found it”...

To be sure, the laws of *Bava Metzia* hardly reflect the ideal in inter-human relations. The court’s verdict inevitably satisfies but one, and at times neither, of the claimants. But unlike the cases discussed in the “First Gate,” there are no overtly anti-civil acts involved. Rather, in the course of their normal, day-to-day dealings, two people find themselves in disagreement with each other. In many cases, each party honestly believes himself to be in the right.

On the other hand, the “Final Gate,” *Bava Batra*, includes an entirely different genre of civil law: laws which come not to settle disputes but to lay the groundwork for a socially just and harmonious existence between man and his fellow. This tractate discusses the laws outlining property rights, neighbor relations and responsibilities, partnership, commerce, inheritance and charity. A case in point is *Bava Batra*’s first scenario:

Partners [in a courtyard] who wish to divide, should build a wall in the middle... In everything they follow the local custom. [When they build] with uncut stones, one gives three handbreadths and the other gives three handbreadths [of space for the wall]... With bricks, one gives one-and-one-half handbreadths and the other gives one-and-one-half handbreadths... Thus... the area and the stones belong equally to both.

This law is typical of the laws that form the backbone of the “Final Gate”: its function might be to define and divide, but this is a division desired by both parties and beneficial to them both. Indeed, the very wall which divides them becomes a joint undertaking, linking them and attesting to their mutual desire to live as neighbors

who respect each other’s rights and privileges.

The Three Gates of History

On the cosmic-historical level, the three gates of *Nezikin* can be seen as three phases in the social development of man, as a barometer of Torah law’s progressive influence upon society.

In the “First Gate,” we encounter human society in a base and barbaric state: “law” is an institution whose function is to deal with criminal and violent behavior among its members. In the “Second Gate,” we progress from criminal to non-malicious conflict. Finally, the “Final Gate” describes a strife-free society—a society in which the role of the law is not to deal with dispute but to establish guidelines for a greater cooperation and a deeper unity in the community of man.

The three *Bavot* tell the story of history itself: the story of mankind’s progress toward the perfect and harmonious world of Moshiach. As humanity learns to disarm and unite, beating the swords of war machinery into the plowshares of aid to the needy, we near the day when the “Final Gate” of Torah’s civil and civilizing law will forever abolish conflict and animosity from the human experience.

Between Man and G-d

As discussed above, the social mitzvot of the Torah have their counterpart in the life of the soul. Thus, the “three gates” of progress from barbarism to harmonious coexistence on the social level also describe three corresponding stages in our spiritual development and our quest for connection with G-d.

In the “First Gate,” we contend with the negative forces that actively undermine our spiritual integrity. These fall under four general categories, corresponding to the “four primary classes of damages”: our animal lusts and desires (“the ox”); our propensity for anger and other violent emotions (“fire”); the destructive effect of “passive” vices such as sloth and inertia (“the pit”); and our misleadingly sophisticated vices, which are all the more harmful because they exploit our elevated, distinctly human talents (“man”) to spiritually destructive ends.

The “Middle Gate” describes a stage in our spiritual development at which these overtly destructive forces have been overcome and our internal conflicts are of a more subtle and “civilized” nature. The spiritual *Bava Metzia* deals with issues such as “finding lost objects,” and the responsibilities and privileges of the “Four Guardians.”

The Talmud defines a “fool” (*shoteh*—a legal term referring to someone who lacks the intelligence and under-

PARSHAH SUMMARY & COMMENTARY

standing to be held responsible for his actions) as “one who loses everything that is given to him.” The Hebrew words for “everything that”—*kol mah*—also translate as “all the what”; “what” (*mah*) is a Kabbalistic term for the soul’s capacity for receptiveness and self-abnegation. On the spiritual level, a “fool” is one who loses all the *mah* that has been given him—a person whose self-absorption prevents him from being receptive to all that is greater and loftier than his present comprehension and experience..

This is the “between man and G-d” significance of the laws that deal with the recovery of lost objects. Even after we have cleansed our souls of the blatantly destructive traits enumerated in the “First Gate,” we must labor to recover our lost *mah* and resolve the internal dissonance that occurs when our ego obstructs our spiritual development.

Bava Metzia also includes the laws of “Four Guardians”: the unpaid guardian, the paid guardian, the borrower and the renter. These laws define the degree of responsibility that each guardian has toward the object entrusted to his care as it relates to the amount of benefit he derives from his guardianship. As applied to our internal lives, the laws of the “Four Guardians” describe four types of spiritual personalities who vary in the degree of “reward” they expect in return for their toil to improve G-d’s world and the corresponding degree of “responsibility” they must assume for the hazards of life.

The Partner

Our sages tell us that “In the manner in which man measures himself, so is it meted out to him.” In other words, G-d leaves it to us to define our vision of life and our relationship with Him, and then relates to us accordingly. Indeed, there are three general ways in which a person may perceive the labor of life: as a slave, as an employee, or as a partner.

One might see himself as a slave of an autocratic master. I didn’t ask to be born, goes this line of thinking, nor was I consulted when the laws of life were formulated. All this was imposed on me. As the Talmud puts it, “Against your will you are born, and against your will you die.” My master is all-powerful, so I had best carry out His commands.

Or one might adopt the more involved attitude of the employee. I have a job to do, says this approach, and I’ll give it my best effort. And has G-d not promised to reward my toil? A vision of life as a job is expressed by the Talmudic sage Rabbi Tarfon in the second chapter of *Ethics of the Fathers*: “The day is

short, the work is much, the workers are lazy, the reward is great and the Master is pressing... It is not incumbent upon you to finish the task, but neither are you free to absolve yourself from it. If you have learned much Torah, you will be greatly rewarded, and your Employer is trustworthy to pay you the reward of your labors.”

Finally, one can experience life as a partnership with G-d. True, we are “slaves” in the sense that we acknowledge G-d’s absolute mastery over us, and we are “employees” in the sense that He has defined our life’s assignment and has promised to reward our labor. But we have been granted the ability to elevate the toil of life into a partnership with our Creator. In the words of our sages, “A judge who judges a case with complete truthfulness... becomes a partner with G-d in creation”; “One who prays on the eve of Shabbat and recites *Vayechulu* ... becomes a partner with G-d in creation.”

As G-d’s partners, we develop our self and world in accordance with the divine will not only because we must, nor merely to “do our job,” but as an intensely personal enterprise. Life becomes our joint venture with G-d—a venture conceived and enabled by Him but fueled by our own initiative and ambition..

The spiritual version of the “Final Gate” describes this venture. As in any joint enterprise, there is need for “walls” that delineate the terms of the partnership; the domain of each partner must be defined, as well as his rights and responsibilities. These walls are of several types: some are wholly divine institutions (“uncut stones”); others are products of man’s development of divinely provided resources (“brick”).

But while these walls divide and define, they are not divisive walls. There are no saboteurs in this relationship (as in the “First Gate”), nor even benign conflict (as in the more spiritually mature “Second Gate”). Rather, they are uniting walls, jointly constructed walls that galvanize our relationship with G-d and impart meaning and fulfillment to our lives.

*Based on the writings and talks of the Lubavitcher Rebbe;
adapted by Yanki Tauber, editor@chabadonline.com*