

The
CHASSIDUS
PERSPECTIVE
with Reb Yoel Kahn

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THE MYSTERY OF MISHPATIM

Parshas Mishpatim begins with the laws of an *eved ivri*, a thief who was unable to pay and was sold as a slave.

The choice to begin with this particular topic is perplexing. The Parshah should seemingly have begun with a pleasant or common topic. The case of being sold as an *eved ivri*, however, is both painful and uncommon (as it only applies to a thief who cannot pay)!

I WON'T OR I CAN'T?

The Rambam in Shemoneh Perakim presents a contradiction. On the one hand, Chazal tell us that a person shouldn't say, "I abhor pork." Rather, he should say, "I can eat it, but what can I do? My Father in Heaven has decreed that I should not!" On the other hand, the verse states, "The soul of the wicked desires evil" (Mishlei 21:10). Merely desiring evil, even without committing a transgression, is a trait of the wicked!

The Rambam reconciles these two statements by differentiating between *chukim* and *mishpatim*. *Chukim*, such as abstaining from non-kosher food, must be done with *kabolas ol*, because "My Father in Heaven has decreed that I should not." But a person should not say the same with *mishpatim*. Imagine someone saying: "As far as I'm concerned, I can steal and murder. The only reason I am not is because Hashem forbade it!" Such an individual is corrupt and wicked. A person should abstain from these acts because they are *morally* incorrect, not just with *kabolas ol*.

What does this mean? That with *mishpatim*, we submit to human logic and not to Torah?! Obviously not. This itself that human logic disapproves of certain actions stems from the Torah as well.

Why is it indeed that society views certain types of conduct as improper? It is not by chance. The Torah is the source of all of Creation; "Hashem looked into the Torah and created the world." Stealing is immoral because *Torah* states that it is forbidden.

Certain mitzvos did not descend into human logic, and they remain *chukim*. However, with certain mitzvos, Torah shapes the human mindset, causing us to denounce activities such as thievery and murder.

Abhorring evil (as the Rambam writes) is thus not divorced from having *kabolas ol*. The reason we detest certain actions is because Hashem *wants* us to feel that way.

THE SLAVE AND THE STUDENT

Let's contrast the master-slave relationship and the teacher-student relationship. Which one is greater?

It depends. When focusing on the element of *bitul*, the slave surpasses the student. A student cannot take his teacher's words for granted; he must toil to understand them himself. But as far as self-transformation is concerned, the student has the upper hand. He refines his intellect until his understanding is a reflection of the teacher's.

Abhorring evil is not divorced from having *kabolas ol*. The reason we detest certain actions is because Hashem *wants* us to feel that way.

When Hashem commanded us to perform mitzvos, He wanted us to connect with Him in both ways. Certain mitzvos remain beyond logic; they give us the advantage of *bitul*. Others He allowed us to understand, giving us the ability to refine our minds and hearts. But this, too, is what *Hashem* desired. *He* decided that we should appreciate these mitzvos; they, too, are grounded in *kabolas ol*. The student is really also a slave.

The Frierdiker Rebbe once said: "People tend to wish they would fulfill *chukim* with the same passion as they fulfill *mishpatim*. However, the wish should really be the opposite—to fulfill *mishpatim* with the same *kabolas ol* as *chukim*." This doesn't mean that we should want to steal, *chas veshalom*. It means that our appreciation for *mishpatim* should also be based on *kabolas ol*.

START WITH SERVITUDE

This can help us understand Chazal's statement on the first *possuk* of Parshas Mishpatim. Commenting on the words, "These are the laws you shall place *before them*," Chazal state: "You shall place these laws before *them*—Jews—and not before idol worshippers. Do not approach a gentile court, even if you know they will rule just like the Torah."

Why must gentile courts be avoided? After all, we are dealing with *mishpatim*, and they view the matter exactly as Torah says! Because they lack the foundation of a Jew's intellectual understanding of *mishpatim*. A Jewish judge understands these laws not because they are intrinsically logical, but because Hashem desired that they be understood.

This also explains why the Parshah opens with the laws of an *eved ivri*. The Torah is teaching us that our approach to all the subsequent laws should be that of a slave, with *kabolas ol* serving as the impetus to both fulfilling *chukim* and understanding *mishpatim*.

THE GREATEST MARVEL OF ALL

Quoting the first two words of the Parshah, "*Ve'eileh hamishpatim*—And these are the *mishpatim*," Rashi explains: "The word *ve'eileh*, with a *vov*, indicates an addition to what was stated previously. This teaches us that just as the laws in Parshas Yisro were given from Sinai, the laws in this Parshah are also from Sinai."

By telling us that these laws are an *addition* to the laws in Parshas Yisro, Rashi is telling us that the accomplishment of Matan Torah is expressed in these laws more than in the previous ones.

Before Matan Torah, Torah remained on a spiritual plane and did not affect physicality. Matan Torah accomplished a union between the spiritual and the physical, where the Torah

permeates the physicality of the world.

However, before Parshas Mishpatim, this union was to a smaller extent. True, Parshas Yisro relates how Hashem gave us the Torah, but the event is described as supernatural and other-worldly; the Torah did not fully permeate the human consciousness. Parshas Mishpatim *adds* to Parshas Yisro; it is in the *mishpatim* of this week's Parshah where we see how Hashem's wisdom infuses human intellect.

This fusion is quite a feat indeed. It would be easier for an elephant to enter the hole of a needle! Although an impossible occurrence, both entities—the elephant and the needle—are measurable, and the elephant's size can be contrasted with that of the needle. The gap between our finite intellect and Hashem's infinite wisdom is far greater, and for us to be able to understand Torah is a far greater marvel.

This is only possible because Torah's true boundlessness surpasses the "limits" of remaining in the plane of boundlessness. Torah is so boundless it can even permeate the realm of finitude, fusing with a human's puny intellect. (Similarly, the Aron measured 2.5 amos by 1.5 amos, yet it did not occupy space. Its immeasurability permeated the realm of measurement.)

This fusion, says Rashi, is "from Sinai." Har Sinai was a paradox—a mountain, but a lowly one, demonstrating this unique combination of intellect and *kabolas ol*. And this marvelous phenomenon comes to the fore primarily in Parshas Mishpatim, where we understand these laws and fulfill them with a passion, all based on *kabolas ol*.

For further study, see the *maamar* *Ve'eileh Hamishpatim* 5741

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