

# THROUGH JUSTICE... THE WORLD IS SECURE

## YadAvNow.com Weekly Video Series: Mishpatim

Rabbi Yosef Kalatsky

**Yisro's Recognition and Moshe's Humility**

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**Truth and Justice in Jewish Courts**

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**Shabbos: Spiritual Rest and Balance**

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**Direct Communication and Credibility at Sinai**

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**Mediation Is Not Surrender**

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1. The 10 Commandments: "You should not have designs on all that is your fellow's."
2. *Sforno*: The portion of the Court adjudicating between two defendants determines ownership and claim rights.
3. To maintain harmony in a community one must respect one another's ownership rights.
4. *Midrash*: A *Torah* Sage establishes justice in the land, and the one who removes himself from communal responsibility causes destruction.
5. *Gemara*: It is a *mitzvah* for the court to encourage mediation between two defendants.
6. If the context of the adjudication is justice, meaning innocent or guilty, the one who is found guilty believes he was wronged.
7. If mediation was agreed upon, each defendant leaves satisfied at some level.
8. This process addresses the issue to not have designs on what one's fellow possesses.
9. *Ethics of Our Fathers*: "Who is the rich man? The one who is satisfied with his lot."
10. *Chofetz Chaim*: If one is satisfied with what is "truly his," he is truly rich.

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### The Corollary Between the High Court And Its Location

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1. The High Court of Israel: 71 judges convened in the Chamber of Cut Stone adjacent to the sanctuary.
2. Each community had a Lower court of 23 judges.
3. Both could render judgments regarding the death penalty and monetary penalties.
4. The laws pertaining to the court are near the portion of the altar: the High Court must convene adjacent to the sanctuary.
5. If the High Court vacates its location the Lower Courts can't render capital crimes.
6. *Ramchal*: Every living species is endowed with a *Nefesh*, a life source, that is totally physical.
7. The Human's intellect is also rooted in his *Nefesh*.
8. One's ability to process spiritual information, i.e. the *Torah*, is based on Divine assistance.
9. To come upon the truth of *Torah* is a spiritual endowment.
10. We supplicate G-d three times a day "It should.... to rebuild the Temple.... and give us our share in your *Torah*."
11. There is a direct corollary between the rebuilding of the Temple and receiving one's share in *Torah*.
12. The High Court convened alongside the sanctuary to receive the Divine assistance that is necessary to render a truthful verdict.

### Supreme Intelligence & Renown Kept in Check

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1. The High Court must convene on the Temple Mount alongside the sanctuary.
2. Testimony of witnesses to be admissible in court must be heard directly from the witnesses.
3. Members of the High Court were proficient in seventy languages.
4. They were fully versed in the entire *Torah*.
5. *Gemara*: "The *Torah* cannot be acquired or retained only by a person who is humble."
6. How could the Members of the *Sanhedrin*, with their superior intelligence and renown, remain humble?
7. *Rabbinic* fences are not applicable on the Temple Mount.
8. A fence is promulgated by the *Rabbis* to protect the *Torah* from being violated.
9. The transgression only comes about due to a lack of cognizance.
10. On the Temple Mount one always felt the presence of G-d, and reverence & fear; so no need for fences.
11. The Temple Mount was the location for the *Sanhedrin* to convene to maintain their humility.



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## Weekly Torah Commentary Series: Mishpatim



### The Importance of Being Vigilant

This week's *parsha* begins: "And these are the judgments that you shall place before them... – *V'ele Ha'mishpatim...*"

*Rashi* citing *Chazal*: The *parsha* begins with a connecting "vav" (And) to signify that just as in the previous *parsha* the Ten Commandments were given by *Hashem* at Sinai, the laws which are stated in this *parsha* are also given by *Hashem*. The regulations concerning the purchase of a Hebrew slave and all the laws pertaining to him are the first laws discussed in the *parsha* given at Sinai.

*Torah*: A Jew who is found guilty of stealing and cannot repay the amount that was stolen is sold as a slave for six years. Why is this law the first edict stated in the *parsha*? One would think that after Sinai, when the Jewish people reached the pinnacle of their spirituality, other *mitzvos* that were more relevant to that level should have been mentioned, i.e. laws such as visiting

the Temple Mount three times a year. Why did the *Torah* choose the subject of the Jewish slave who stole? This seems to be an unimaginable level to fall to after the Sinai experience. What is the significance of this?

*Torah*: On the second day of *Pesach* we are required to bring a *Korban Omer* (*Omer* offering), which is made of barley flour. On *Shavuot*, which is 49 days later, an offering of two loaves of bread made from wheat flour was brought.

*Maharal* of Prague: The significance of the ingredients of the offerings (barley and wheat) signify the spiritual level of the Jewish people. When the Jews left Egypt they were devoid of spirituality and were at their lowest level (the 49th gate of spiritual contamination). At that point the Jewish people were equated to the animal that is a completely physical creature.

*Gemara*: Animal fodder is barley grain and therefore it was befitting that the Jewish people bring an offering

made of barley flour on *Pesach* to indicate that it was a time of their lowest spiritual level. However, fifty days later at Sinai at the time of the giving of the *Torah* they reached the pinnacle of their spirituality and were classified as the human beings whose context was spirituality. Therefore, at that time the appropriate meal offering for them to bring was the two loaves of bread that were made of wheat flour, which is the grain primarily used for human consumption.

*Torah*: The two loaves of wheat bread that were brought on *Shavuot* must be *chometz* (leavened). All the other meal offerings that were brought in the *Bais HaMikdash* were unleavened (*matzah*) [except the *Todah* Offering (of Thanks)]. As we know from *Chazal*, *chometz* symbolizes the *yetzer hara* (the evil inclination), which indicates spiritual impurity. According to the explanation given by the *Maharal*, the two loaves of wheat bread signify the ultimate of Jewish spirituality, if so why are they made of *chometz*? This seems contradictory – one would think that an offering that represents the highest level of spirituality should be made from *matzah*. How do we understand this?

The answer is that although a person may reach the highest level of spirituality, the *yetzer hara* still exists within him. Regardless of our spiritual level, we are still human beings who possess an evil inclination, which at any moment can cause us to fail. As we find in the *Torah*, forty days after the giving of the *Torah* at Sinai the Jews were engaged in the sin of the Golden Calf. We can now understand the symbolism of the two loaves of bread. Although signifying the high point of Jewish spirituality they must be made of *chometz*—symbolizing the fact that human beings have an evil inclination regardless of their spiritual level. We must always be cognizant that no matter how spiritual we may become, we always have the possibility of failing due to our *yetzer hara*.

We can now understand why the portion begins with the law concerning the thief who is sold as a Hebrew Slave. The *Torah* is telling us in an obvious and clear manner that regardless of the level of spirituality that was achieved at Sinai, we still possess a *yetzer hara*. By highlighting this, the *Torah* is teaching us that we need to be cognizant of our actions and tendencies. Regardless of our spiritual achievements we must be vigilant, and only then do we keep our evil inclination in check.

## How to Maximize Our Abilities

*Rashi* citing *Chazal*: “Why was *Mishpatim*, the section which deals with judicial cases, juxtaposed to the previous *parsha* that deals with the Altar (*mizbeiach*)? To tell us that you should place the *Sanhedrin* (The High Court of Israel) adjacent to the *Bais HaMikdash* (the Temple).” This is referring to the Law that states that the *Sanhedrin* should convene in the section of the *Bais HaMikdash* called the *Lishkos HaGozis* (the Chamber of Cut Stone). The question is why should the *Sanhedrin* be located adjacent to the Sanctuary in the *Bais HaMikdash*?

*Rashi* citing *Chazal* at the beginning of *Parshas Vayeira* where *Avraham* was sitting at the entrance of his tent: “The Holy One, Blessed is He, said to *Avraham* ‘Sit (*yosheiv*) and I will stand as you are a foretoken for your children, for I am destined to stand in the assembly of Judges while they are sitting in order to give them understanding.” Since Judges are mere mortals with great limitations, *Hashem* said He would stand in their midst while they convene in judgment to give them the necessary clarity to adjudicate justly. Since the *Torah* emanates from Zion (the location of the *Bais HaMikdash* and the Divine Presence), as it is stated, “*Ki me Tzion teitzei Torah*” the *Sanhedrin* must convene adjacent to the Sanctuary of the *Bais HaMikdash*.

*Gemara* in *Sanhedrin*: The Judges comprising the *Sanhedrin* were required to understand seventy languages because they need to hear the testimony of witnesses directly from them without any intermediary. The *Sanhedrin* was composed of Judges that were not only proficient in seventy languages but also every aspect of Jewish law dealing with any subject. Although one is not permitted to study the laws of pagan worship (idolatry) and witchcraft, the Judges of the *Sanhedrin* were permitted in order to be able to adjudicate properly cases dealing with them. These Judges possessed a level of genius and understanding that we cannot even comprehend.

Verse: “*Raishis chachma yiras Hashem* (The prerequisite for wisdom is the fear of *Hashem*).” Without the “fear of G-d” one could have a level of intellect and genius that is unequalled yet still have no understanding of truth. The fear of *Hashem* is necessary in order to see the world in the proper perspective. Fear of *Hashem* also humbles a person in a way that reduces personal conflict of interest.



*Chazal*: If it were not for the fear of government the most sophisticate, ethical and moral people would swallow one another alive. Since the human mind could justify almost anything, one would behave like a barbarian if it were not for the fear of government. If one possesses the fear of *Hashem* then one would understand and appreciate the consequences of one's actions and thus be able to maximize intellectual capacity.

The *Sanhedrin* was responsible for promulgating many laws that governed the lives of all of *Klal Yisroel*. As the *Gemara* states, a Judge is required to appreciate the gravity of his decision to the point of imagining a double-edged sword resting between his legs ready to cut him in half if he deviated from a just ruling. The level of humility and clarity, which was required to render the proper judgment, could only be attained if one sensed *Hashem's* Presence.

In the *Bais HaMikdash*, G-d's Presence was obvious and palatable in the most real sense. G-d's Presence was not an abstract concept but rather a humbling reality. With this powerful sense of G-d, it was impossible for one not to be humbled. Therefore by requiring the *Sanhedrin* to convene adjacent to the Sanctuary of the *Bais HaMikdash* it was assured that the Judges would be exposed to the setting that would give them humility that would allow them to benefit from their intellect. Without the fear of *Hashem*, despite one's genius and ability, one will always be distracted by one's own conflicts.

## Recognizing Our Value

In this week's *parsha*, the *Torah* tells us about the two types of Jewish slaves – one who is sold by the Court in order to repay the amount that he had stolen, and the other type of slave – a Jew who voluntarily sells himself to a master in order to alleviate his financial difficulties. The *Torah* tells us that if after six years (when the Jewish slave is meant to be freed) he goes to his master and says, "I love my master, my wife (a Canaanite maidservant) and my children. I do not want to go free" – he is taken before the Court and the master must bore a hole with an awl in his right ear at the doorpost.

*Chazal*: The reason why the person who voluntarily sells himself as a slave has his ear perforated is to indicate that there is a deficiency in his hearing, in other words in processing and internalizing in what

he had heard at Sinai. *Hashem* had said to us at Sinai that the Jewish people are His subjects, inferring that we are only to be His subjects and not the subjects of others. Since this slave chose to acquire a master for himself it is evident that he did not comprehend or appreciate what *Hashem* had told him at Sinai.

If *Hashem*, who is the Creator and Master of the Universe, chose the Jewish people to be His subjects, how could the subject of G-d assume another master for himself? If one understands and appreciates the level of relationship between *Hashem* and the Jewish people how is it possible to sell oneself to a mortal master? If the Jew only understood his own value and his relevance in existence, he definitely would not subject himself to a mortal master.

*Torah*: *Hashem* commanded *Moshe* to tell the Jews at Sinai that they are, "My treasured nation" and "(the Jews) are a kingly priestly nation and holy people." Why is it so important for *Hashem* to communicate to us our various levels of status? One would think that the Jewish people would understand their special nature simply by being the *Am Hashem* (the People of *Hashem*). Nevertheless *Hashem* needs to communicate these quantifications in order for the Jewish people to truly understand and appreciate who they are. If we know and appreciate how special we are, we would behave accordingly. If on the other hand we believe that we are merely another nation among the nations of the world, then our standard of conduct and values need only be on par with the rest of the world.

Every day in the morning prayers we acknowledge that, "We are fortunate and privileged because of our portion, our lot, and our inheritance." If one can truly understand and internalizes this, one would know that this is the ultimate. There is nothing secondary to our portion and inheritance (which is our relationship with *Hashem*). We would not sin not only because it is wrong, but primarily because it is unbecoming and inappropriate behavior for the chosen people of *Hashem*. We may be physical in our existence but in regard to the dimension of our being we identify with G-d and not with the nations of the world. Therefore the standards of conduct, morality and ethical behaviour of the world has no relevance to the Jewish people.

*Yisod V'Shores HaAvodah*: When we say the blessing of the *Torah* in the morning, "...Who chose us from all the peoples of the world and gave us His *Torah*..." one

should literally dance with joy because of the unique good fortune, which only we have.

*Gemara*: Saving one Jewish life is the equivalent of saving the entire world. If one would understand to any degree the meaning of this, we would appreciate our value and capability, and thus conduct ourselves accordingly.

## Determining the Innate Value of a Person

*Torah*: If an ox, which had been established as a gorer (a *muad* [a goring ox]), goes and kills a person as a result of the owner's negligence, the killer ox is stoned to death and the owner must pay a sum of money for the sake of his own atonement. The *Torah* states, "If the ox will gore a (Canaanite) slave or slavewomen, thirty shekels of silver shall he (the owner) give to the master (of the slave) and the ox shall be stoned." Regardless of the monetary value of the Canaanite slave (or maidservant), the owner of the *muad* is only required to pay the master of the slave thirty shekels. What is the basis for this fixed amount regardless of the monetary value of the slave?

*Sforno*: The significance of the thirty shekels is derived from the laws of *eirchin* (innate value for consecration). If a person wishes to consecrate their innate value (*eirich*) to the *Bais HaMikdash*, the *Torah* establishes a monetary scale that represents each person's innate value based on age and gender. The thirty shekels given for the Canaanite slave is derived from the *eirich* (or innate value) that the *Torah* places on a Jewish woman who wishes to consecrate her value to the *Bais HaMikdash*. A Jewish man who wished to consecrate his innate value, would be obligated to give fifty shekels to the Temple.

*Gemara*: A Canaanite slave, although he is not a Jew, is obligated in all the *mitzvos* of a Jewish woman. Thus he is not obligated in all time related *mitzvos*. Therefore if the *muad* killed a Canaanite slave – what value was lost from the world? A person with the *mitzvah* potential of a Jewish woman. Thus the value that the owner of the *muad* is required to pay is thirty shekels since the loss to existence is the loss of a person who had the *mitzvah* value of a woman. We see from this that the *Torah* determines the true value of a person based not on their market value but rather on their spiritual value derived from their *mitzvah* potential.

*Mishna* in Tractate *Horios*: There is a *Torah* obligation on every Jew to rescue his fellow Jew if their life is in

danger. For example, if a Jew is drowning one has an obligation to save his life. What does one do if one witnesses a *Kohen* and a *Levy* drowning at the same time and only has the ability to save one of them? If one witnesses a *Levy* and a *Yisroel* drowning, which one has the priority? The *Halacha* (the law) dictates that one has the obligation to rescue the *Kohen* before the *Levy* and the *Levy* before the *Yisroel*. Why is this so? Because the innate spiritual status of the *Kohen* is greater than the *Levy* and innate spiritual status of the *Levy* is greater than the *Yisroel*. The *halacha* is not determined by a person's skills, capabilities, or any other criteria, but rather only by one's innate spiritual value.

*Gemara* in *Sanhedrin*: Based on logic one is not permitted to take a life in order to save another life. The *Gemara* states, "Who says that your blood is more red than the person's blood?"

*Rashi*: This can mean that every Jewish soul is "precious" to *Hashem* and therefore no mortal can determine whose life is more precious. Only *Hashem* knows the spiritual value of a person's soul. From this we see that the determination of value is not based on a person's material means or their capabilities. An incompetent person may have more value than a great genius. If we would only recognize and appreciate our own spiritual value and realize that it is based on our *mitzvah* potential then our conduct would be greatly affected.

## The Power of a Unified Jewish People

The *Shabbos* before *Rosh Chodesh Adar*, in addition to reading the portion of the week we read the portion of the *Shekalim* (a special reading, taken from *parshas Ki Sisa* (*Shemos* 30:11-16)).

*Mishna*: At the beginning of the month of *Adar* they would announce that the *Machtzis Ha Shekel* (the half coin made of silver) needed to be sent to the *Bais HaMikdash*. All Communal Offerings (*Korban Tzeebor*) that were brought in the *Bais HaMikdash* needed to be purchased with each year's new half-coin donations, which were replaced every *Nissan*.

*Torah* regarding the obligation of the *Machtzis Ha Shekel*: "The wealthy man is not permitted to give more and the poor man is not permitted to give less than half a silver coin." Clearly the *Torah* is requiring uniformity in the giving of this donation. One would

think, as with any other charitable donation, that it is admirable to give more than the required amount. Nevertheless, in this case, the *Torah* is telling us in a very precise and specific manner that only the silver half-coin (*Machtzis Ha Shekel*) is received from every Jewish male.

Why is the required amount only a half a shekel and not a whole shekel? This is to indicate the accomplishment of this *mitzvah* is only considered “whole” when each individual is grouped with the other as a *tzeebur* (community).

What is the meaning of a *tzeebur*? Is a community a collection of individuals each having their own unique viewpoint and manner of conduct? Or is a *tzeebur* a unified and equalized group with a common perspective and goal in which there is no “individual.” We see from the *Machtzis Ha Shekel* that individuals are equal in their donation regarding the *Korban Tzeebur* (Communal Offering).

Evidently in order for a *Korban Tzeebur* to be valid it must be purchased with funds that were collected from a unified entity - a “*tzeebur*.” An offering that is brought by individual partners is not classified as a communal offering because each “partner” retains his identity whereas a *tzeebur* is an entity onto itself. The unification of *Klal Yisroel* through the *Machtzis Ha Shekel* brings about a special level of strength. It is interesting to note that the new *Machtzis Ha Shekel* is first utilized in the month of *Nisson*.

The month of *Nisson* (*Pesach*) which follows *Adar* (*Purim*) is a month “*Geula*- Redemption”. The *Gemara* states that if there are two *Adars* (such as in a leap year), we read the *Magillas Esther* (the Book of *Esther*) during the second *Adar* even if it had been already read during the first *Adar*. The reason given for this is because we want to juxtapose one month of redemption with another month of redemption. Just as in *Adar* the Jews were saved from the evil decree of *Haman*, so too the Jews were redeemed from Egypt in *Nisson*. We see that the renewal of the *Machtzis Ha*

*Shekel* comes each year during the month of *Nisson*, a month of redemption. What is the significance of this?

We find that the unification of the Jewish people into a single and undivided nation was a prerequisite for the receiving of *Torah* at Sinai. The *Torah* states that we camped at the base of the mountain using the singular form of the word “camped” to indicate that the Jews were not a collection of individuals but rather a unified entity (a *tzeebur*). The unification of the Jewish people gave us the ability to receive the *Torah* at Sinai because without such unity we would not have had relevance to the G-d who is Complete, Singular, and Unified with all of His Glory.

*Chazal*: The angels in heaven began to prosecute the Jews as they passed through the Sea because they were no different from the Egyptians. The angels asked why should the Jews be saved and the Egyptians be killed when both were idolaters?

*Rabbi Meir Simcha* of *Dvinsk* *zt'l*: Why did the angels begin to prosecute the Jews only as they were crossing through the Sea? If they were idolaters like the Egyptians, then the angels should have brought their claim even earlier during the killing of the first born of Egypt.

*Rabbi Meir Simcha* citing the *Midrash*: Before the Jews passed through the Sea they were a unified people. Since there is a principle that “*Tzeebur einu mess* (a *tzeebur* is immortal)” and the Jews were unified into a *tzeebur* before they went through the Sea, they were protected from prosecution through their unification. However, when they crossed the Sea, the *Midrash* says that the Jews crossed by making twelve separate pathways to signify each group’s own special pedigree. Once these divisions were created the “*tzeebur*” no longer existed and the Jews were susceptible for prosecution from the angels.

As we read *Parshas Shekalim* we should be reminded that our power as a *Klal Yisroel* only comes about if we are unified as a *tzeebur* and only then will we merit the ultimate redemption.



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