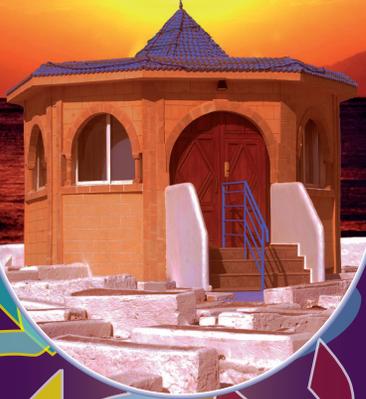


PARSHA MISHPATIM

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THE OBLIGATION TO LEARN THE REASONS FOR EACH OF THE MITZVOT

Rabbi David Pinto Chlita

Commenting on the verse that states, “And these are the ordinances that you shall place before them” (Ex 21:1), Rashi sites the Talmud as follows: “The Holy One, blessed be He, said to Moses, ‘Don’t think for a moment that you’ll teach them a chapter or a Halachah just once or twice. Don’t withhold yourself from explaining the reasons for the mitzvot. You will clearly present the laws to them, as one sets a table’” (Eruvin 54b; Mechilta 54b).

Rabbi Yosef Haim, the famous author of Ben Ish Hai, explains the verse as follows: “You will therefore observe the law, the statutes, and the ordinances that I command you today” (Deut 7:11). The 613 commandments are divided into three categories: The *chukim* (statutes) are those that we don’t understand the reasoning for and that the mind can’t comprehend; the *mitzvot* (laws) are those that are understandable but which we perform only because G-d told us to; and the *mishpatim* (ordinances) are those that are understandable and justifiable and which we would perform even if G-d hadn’t told us to.

Now this Parsha begins by this last category of commandments, and this raises a certain number of problems.

1. If the *mishpatim* are justifiable, why did G-d order Moses to present them to the Children of Israel as one sets a table? Since they could understand them through reasoning, they would perform them without being ordered to do so.

2. Why does this section of the Torah begin precisely with the laws concerning the Hebrew slave?

3. As we have explained on many occasions, the word **תשים** (“place”, mentioned at the beginning of the Parsha) is formed from the first letters of the Hebrew words *Tefillin*, *Shabbat*, and *Milah* (circumcision). Yet we don’t see here what the connection is between these three precepts (included in the word **תשים**) and the laws concerning the purchase of a Hebrew slave.

Rabbi Abraham ibn Ezra explains that Moses wanted to emphasize the difficulty of enslaving someone. For all men are free, and the Children of Israel are the sons of the King (Shabbat 67a). Who likes being enslaved and made to suffer?

G-d therefore ordered Moses to encourage the Children of Israel to behave with gentleness in regards to their slaves, not to consider them as personal possessions.

As for the Ramban, he explains that the Parsha begins with the laws concerning the Hebrew slave because it mentions the seventh year when they are to be liberated, which alludes to the departure from Egypt. As it is written, “And you shall remember that you were a slave in the land of Egypt, and that the L-RD your G-d redeemed you. Therefore I command you regarding this matter today.” (Deut 15:15). In

other words, when you will have acquired a slave, behave properly with him.

Rabbi Abraham ibn Ezra and the Ramban explain that a slave does indeed constitute a possession for his master, but it is proper to treat a slave with a maximum of tact. The Children of Israel – who had been deprived of their liberty in Egypt, where they had been subjected to the most terrible atrocities of slavery – should not treat their slaves as they themselves had been treated in Pharaoh’s country.

Even though all these ideas seem very clear, Moses had to present them “as one sets a table.” And if he hadn’t presented them to the Children of Israel, they would have definitely sinned. They perhaps didn’t understand the essence of their servitude in, and their liberation from, Egypt. The evil inclination tries to make men fail precisely in those areas that they think they’ve mastered.

The Parsha therefore starts with the laws concerning the Hebrew slave in order to show that “the Children of Israel are servants to Me” (Lev 25:55). It is to show that they are not the slaves of slaves (Kid-dushin 22b; Bava Metzia 10a). These are certainly minor details, but it is proper that they should be explained to the Children of Israel so that they don’t weaken spiritually.

As we have seen, the Children of Israel were liberated from slavery because of the observance of *Shabbat* (Yerushalmi Taanith 1:1), their circumcision before leaving Egypt (Tanhuma Beshalach 7), and the *mitzvah* of *Tefillin* (Ex 13:16).

G-d thus recalls these three mitzvot. He presents (and asks them to place, **תשים**) before them these signs in order to reconnect them to G-d and have them serve Him. For, as we know (Menachot 36b), the successive laws of *Shabbat*, circumcision, and *Tefillin* all carry the moniker *Oht* (a sign). The Torah only mentions the Parsha of the Hebrew slave afterwards so as to make the Israelites understand that it’s only through the observance of these three mitzvot that they went from slavery to freedom. The Hebrew who was sold as a slave must have defiled these three mitzvot.

Moses therefore explained to the Children of Israel that if they observed these three mitzvot, they wouldn’t become slaves nor enslaved to the evil inclination. Otherwise, they become defiled and defile the entire universe that was created in six days (“he shall work for six years” [Ex 21:2]). However, by the strict observance of *Shabbat* (which, as we saw above, alludes to the seventh year), they would be restored to freedom. This means that they would no longer be under the tutelage of the evil inclination, but rather under that of the Holy One, blessed be He.

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Born in Fez during the month of Elul in the year 5415, Rabbi Yehudah ben Attar was one of the great rabbis of Morocco. He became the Av Beth Din of his city and undertook important decisions aimed at strengthening the spiritual life of his community. For many generations the Jews of Fez remained connected to his teachings, and many are the stories that are told linking his name to miracles.

He left this world in the year 5493 (1733) at the age of 77.

The Chida (Rabbi Chaim Yosef David Azulai) recounts the following story. One day the Gaon Rabbi Yehudah ben Attar was put into prison and left there until such time as the Jewish community paid what was necessary to free him. This was a common practice in the eastern world in that era. Only at that time, the amount fixed by the governor for his release was too great and in fact way above the capability of the Jewish community to meet. Therefore Rabbi Yehudah ben Attar stayed in prison. Soon afterwards, the cruel governor decided to throw the Rabbi into the lions' den. Imagine, then, the utter astonishment of the guards when they saw Rabbi Yehudah ben Attar sitting quietly on the ground and pursuing his studies with the lions respectfully crouching around him. As soon as he was informed, the governor liberated the Rabbi and accorded him great respect for as long as he lived.

We as well tell of the following story concerning Rabbi Yehudah ben Attar. In the city of Tunis, a Jew and a Muslim decided to operate a commercial business together. Their work succeeded greater than they had imagined, and the Jew made a great amount of money. As for the Muslim, he didn't know much about the work or the accounts that his Jewish colleague had set up for him. The Muslim had complete confidence in the Jew and depended on him for all the details of their association together. It follows that he had no reason to complain about the trust that he had put in the Jew, since he saw with his own eyes how well the business was doing. Over the years the non-Jew never demanded his part in the earnings of the business, so much in fact that the amount that the Jew owed him grew ever more. One day, despite everything, the Muslim wanted to leave the business and claim everything owed to him. He informed his colleague, the Jewish merchant, but unfortunately the latter (knowing that the Muslim had no proof of their business association) had the audacity to completely deny everything, including the fact that they were even business partners! The non-Jew was terribly distressed. His Jewish associate had betrayed his trust, and he himself didn't know how to recoup his money.

Finally, he pressed the Jew to swear that his words were in accordance to the truth and that he didn't really owe him anything. He didn't ask him to swear to a simple oath; he asked him to swear by the name of his Rav, Rabbi Yehudah ben Attar. Knowing what the truth was, the Jew refused with all his might to utter the oath. The non-Jew then understood that this refusal represented his opportunity. He understood to what point the name of the Gaon Rabbi Yehudah ben Attar was important in the eyes of his Jewish business partner.

From then on he didn't leave the Jew in peace or stop insisting that

he swear to him as he had requested. The Jew finished by swearing by the life of the Gaon Rabbi Yehudah ben Attar that he owed him nothing now, and that he had never owed him even the least penny. After having thus given his oath, the Jew happily returned home. He therefore rid himself of the presence of the non-Jew, a presence that had weighed heavily upon him. He was happy because he had now taken possession, without the least effort, of the wealth of his former business partner. In fact he was so happy that he decided to offer a Seuda (a dinner) to his family and all his friends. During the course of the meal, the Jew went to the cellar to get some wine in honor of his guests. Unfortunately for him, in leaving the cellar with the bottles in hand he forgot to extinguish the candles that he had lit when he went down. A few moments later a fire started in the cellar and spread to the whole house, and thus all his wealth and unfortunately his children were lost in the flames. When the non-Jew heard the news, he was so affected that he left Tunis, his city, and traveled to Fez in Morocco. There he went to the home of the Gaon Rabbi Yehudah ben Attar with gifts. He entered his home, kissed the hands of the Tzaddik, and told him everything that happened. He insisted that he accept the gifts that he had brought. Of course Rabbi Yehudah refused these gifts, which consisted of money, and the Muslim went and distributed this large sum to tzeddakah and to schools where Torah was taught. For all his life this Muslim publicly recounted his story, and thus the Name of the G-d of Israel was sanctified.

Eishet Chayil

Havdalah

7. The Torah exempts women from the obligation to perform Havdalah at the end of Shabbat, Yom Tom, and Yom Kippur. If the head of the household performs Havdalah, he is obligated to discharge those who are present for Havdalah. If Havdalah is performed in the synagogue, all those present (those who are heads of their households) must be advised that they still have to perform Havdalah in their homes, and that they are not discharged from their obligation by having heard Havdalah in synagogue.

8. Women have become accustomed to not drinking the Havdalah wine. However when a woman performs Havdalah herself, it is clear that she must drink the wine.

9. When a woman hears Havdalah, she should respond Amen and not say Baruch Hu OuBaruch Shemo. She should be seated to listen to Havdalah, not moving about the home during that time.

10. Women are obligated to eat the Melava Malka meal (the fourth meal, at the end of Shabbat). It is recommended to eat bread at this meal, but if that's not possible then to have some fruit or cake. Making a Melava Malka meal, called Seuda David Hamelech, is a segula for easy childbirth.

The Man Cherished By G-D

A Teaching of the Maggid of Dubno

“When you lend money to My people, to the poor person who is with you, do not act towards him as a creditor” (Ex 22:24).

The Midrash explains this verse by citing another: “One who is gracious to the poor has lent to HASHEM, and He will pay him his reward” (Pr 19:17).

How can it be said that one has lent to the Master of the universe? The Maggid of Dubno offers a parable in order to understand this.

One day Shimon needed some money. His friend Reuven offered to lend it to him on condition that Shimon finds two guarantors in case he couldn't pay back at the agreed-upon date.

Shimon found the first guarantor, his friend Aryeh, who was financially well-off. His second guarantor, Benjamin, was hardly better off than Shimon himself.

Shimon happily returned to Reuven with the papers signed by both guarantors, and as agreed upon, Reuven lent Shimon the money and put the contract away for safekeeping.

Shimon traveled to a great trade fair in the market district of the capital. Hashem was with him and his earnings increased. Too occupied to even properly deal with his present business, Shimon forgot the due date set for paying back his loan.

The repayment period having passed, Reuven felt quite embarrassed. He held Shimon's contract in his hand, but there were no signs of Shimon himself.

Reuven asked his assistant to find Shimon. He left to search for him but wasn't successful because Shimon had left the city not long after having received Reuven's money. Furthermore, no one knew where he was or when he would return.

After hearing this, Reuven ordered his assistant to approach the guarantors in order to reclaim his money. Without difficulty the assistant found the address of Aryeh, who lived in a beautiful home and was well known in the city. He then went in search of Benjamin, and was told that he lived in a tiny lane in the poor section of town. Arriving there, the assistance saw a passer-by wearing a patched-up coat and asked him if he knew someone by the name of Benjamin.

“Benjamin,” he slowly repeated. “Yes, that's me. How may I help you?”

“You have a friend by the name of Shimon? He disappeared after having borrowed some money...”

The assistant couldn't continue. He felt too embarrassed. How could he recover money from a man that he wasn't even sure could feed himself on that day?

He decided to approach the first guarantor, Aryeh. The assistant went to his home and presented him with the signed contract. Aryeh then reimbursed the entire sum.

Reuven was delighted that Aryeh paid the total amount of the loan and that there was no need to collect anything from Benjamin. Thus Reuven would cause Benjamin neither shame nor suffering to admit that he owned nothing and couldn't pay his portion of the loan.

Among gentiles, it is normal to lend money with interest in order to make even more of it.

Lehavdil, we act differently in Klal Israel, for the Torah forbids us to take interest. Everything happens as if Klal Israel was in possession of a sum of money, a sum made available to everyone in need and regularly supplied with cash infusions by those who have great amounts of money.

It's a great mitzvah to lend money without interest.

We are also taught that we shouldn't humiliate those who owe money but have none with which to pay back. No pressure should be exerted on the poor, and no attempt should be made to remind them of their debt. A person who lends money to another is even advised to avoid meeting the debtor, for the latter might see him and get scared, thinking that he has come to reclaim what the poor person owes, and so the latter will have to admit to the fact that it's impossible for him to pay it back.

As was stated earlier, in the book of Proverbs it is written, “One who is gracious to the poor has lent to HASHEM, and He will pay him his reward.”

In other words, the poor individual receives the tzedakah as a gift, but for Hashem it is a loan that He will pay back a hundred fold. Also, when a person can't pay back his debt, the example of Reuven in the parable should be followed. Let us appeal to the more fortunate one, to Aryeh; let us address Him Who possesses all the wealth in the world, Who blesses all our actions that enable us to perform His mitzvot.