

Yad Avraham Institute
WEEKLY TORAH COMMENTARY SERIES
Parshas Mishpatim
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Presented By: Rabbi Yosef Kalatsky, *Shlita*

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About the Yad Avraham Institute

The Yad Avraham is a Torah learning institute located in midtown Manhattan. Classes are offered every day during the week starting at 5:50am and throughout the day. Classes in Chumash, Halacha, Hashkofa, Gemara, and general topics are well attended by businessmen, professionals, and students. The Yad Avraham invites you to participate in our extensive offerings of classes and events.

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Parshas Mishpatim

Presented by

Rabbi Yosef Kalatsky, Shlita

Dean

1. The Prerequisite that are Necessary for the Acquisition of Torah

The Torah states, **“In the third month from the Exodus of the Children of Israel from Egypt, on this day, they arrived at the desert of Sinai. They journeyed from Rephidim and arrived at the desert of Sinai and encamped in the desert; and Israel camped (*vayichan*) there, at the foot of the mountain.”** There seems to be a difficulty regarding the order of the verses. The Torah initially tells us that the Jewish people arrived at the desert of Sinai in the third month after the Exodus. However, the following verse tells us that they journeyed from Rephidim and then arrived at the desert of Sinai. The second verse should have been sufficient.

Ohr HaChaim HaKadosh explains that when it was time for the Jewish people to leave Egypt the Torah tells us that within moments the entire people gathered together and left, despite their location in Egypt. If this is so, then why did it take them three months to arrive at their destination - Sinai? As much as G'd wanted to immediately give the Torah to the Jewish people, they needed to be purged of the spiritual impurity that they had absorbed through the bondage of Egypt. They needed seven cycles of seven days in order to overcome this contamination and be qualified to receive the Torah. This is similar to the menstruant woman who can only achieve purity after seven days. If this is so, then why did G'd not bring them to the Sinai desert immediately and have them wait there for fifty days at the foot of the mountain. If one wants to marry his bride to be and is put in a position of needing to wait in her presence for an extended period before going to the chupah (marriage canopy), it would cause him untold suffering. Rather than having the Jewish people wait at the location of the union/chupah (Sinai), G'd delayed their arrival until the exact moment they were ready to receive the Torah.

Ohr HaChaim HaKadosh explains that the Torah is presenting the prerequisites that are necessary before one is able to advance himself in Torah. Firstly the Torah states that **“they arrived at the desert of Sinai...”** to

teach us that one must assume a humble posture, which is similar to the desert, which is a location of total desolation. It has no special identity of its own. As Chazal tell us, “The Torah can be acquired only by one with a humble mindset.”

The second prerequisite is communicated through the verse, **“They had journeyed from Rephidim...”** indicating that although initially the Jewish people were in Rephidim where they were engaged in Torah study and mitzvos in a haphazard manner, they left that mindset and were committed to be fully invested and to sacrifice for Torah. As the Gemara in Tractate Berachos states, “The Torah is acquired only by the one who is willing to die for it/sacrifice ...”

The third prerequisite is communicated through the words, **“Israel camped (*vayichan*) there...”** The word “vayichan” (camped) is written in the singular to indicate that the Jewish people were unified as one individual with “one heart.” In order for one to advance himself to a special level in Torah there must be love amongst Jews. Torah can only be elucidated at the most advanced level if there is genuine dialogue among those who engage in it. If each participant in the discussion is truly interested in listening and understanding the position of his fellow, then ultimately the Torah will be understood in its true light. However, if the Jews are fragmented and they study in separate groups, each to his own and without being interested in one's fellow, they will only achieve a limited level of understanding of the Torah.

The Gemara in Tractate Sanhedrin tells us that the Torah that was studied in Israel was at a more advanced level than that which was studied in Babylon. The Torah in Babylon is referred to in the verse as “maklos - rods” and the Torah studied in Israel as “noam - pleasant.” The Torah of Babylon was the equivalent of “rods” because the scholars engaged in it had to force their position upon one another rather than being interested in one another's understanding. They tolerated one another but did not have a true interest in understanding one another. In Israel, because of their interpersonal relationships, the scholars

had a true interest in one another's understanding- thus causing the Torah to be elucidated at the most advanced level. The process was "pleasant." This is the reason that the Jewish people needed to be unified and have a true love and commitment for one another at Sinai.

In addition to fulfilling a prerequisite for the study of Torah, the Jewish people needed to be unified to reflect G'd's Characteristic of Unity. Just as G'd is One, the Jewish people needed to be unified as one.

2. The Challenges of Life

There is a positive commandment in the Torah to lend money to one's fellow who is in need. The Midrash states, "King Solomon writes in Koheles (Ecclesiastes), 'There is a serious illness that I have seen under the sun. Wealth is given to a person which is ultimately to his detriment. This wealth is lost in an unfortunate situation and when he will have a child he will inherit nothing. G'd tests everyone. What is the test for the wealthy man? If their hand is open to the poor, they will reap reward through their possessions. Regarding the charity that they have given, the principle remains intact for the world to come. As it states, 'Your righteousness will go before you...' Fortunate is the person who takes into consideration the needy one. On the day of evil, G'd will save him. What is the test for the needy one? If the needy person (because of his predicament) will not reject G'd, he will receive his reward in the world to come. As it states, 'We are the poor nation, You will save us...' Eyov suffered in this world, and because he passed his test he regained multiple times his original wealth. As it states, 'All was replaced to Eyov – even double the amount...' However, regarding a wealthy man who has an evil eye, he will be lost and his wealth shall be lost... Who is a wealthy person, whose wealth was to his detriment? This was Korach. As it states, 'They went to the grave alive' It is also the case with Haman who glorified himself because of his wealth. Ultimately he was hanged. Where do we find that wealth was in the best interest of the individual? Yehoshafot, the king of Yehudah – as it states, 'He had tremendous wealth and he cried out to G'd (because of his humility)...' This is also true regarding strength – in some cases it is for the person's best interest and in others it is to his detriment. King David was a warrior (with great strength); his strength was in his best interest. On the other hand, Goliath, who also had great strength, blasphemed and derided G'd. Yehoshua had the wisdom of Moshe and it was to his merit. However, Bilaam was wise to his detriment...."

Chazal teach us that wealth, power, and wisdom can be either utilized properly to one's benefit or misappropriated to one's detriment. The Gemara in Tractate Nidah tells us that before a child is conceived an angel takes the droplet of semen before G'd, who pronounces upon it what the child will be in the future – "He shall be strong or weak, wealthy or poor, wise or foolish..." The destiny of every human being is pronounced before conception. However the status of tzaddik (righteous) or rasha (evil) is not pronounced upon the droplet because "All is predestined by heaven except for the fear of heaven."

One exercises his free choice within the predetermined context of his state of being (wealth/poverty, strength/weakness, etc.) However one's choice on how to utilize his endowment is completely in his hands. The needy person can react to his state of destitution by denying G'd as a wealthy man can act arrogantly because of his wealth. These are examples of those who chose to act inappropriately because of their predicament.

It is interesting to note that the examples cited by the Midrash of those who either exercised their free choice in an appropriate manner or inappropriately, were individuals who lived at the same time (Moshe/Bilaam, King David/Goliath, etc.) We are able to contrast the two individuals, despite their possession of the same endowment/ability, each chose to go in opposite directions. Bilaam had exceptional wisdom. The Torah states, "There was no prophet amongst the Jewish people as great as Moshe." Chazal explain that amongst the Jewish people there was no greater prophet, but among the nations of the world there was Bilaam. Although his level of wisdom was equated to Moshe, he chose to invest it to his own detriment by cursing the Jewish people. He was thus destroyed.

G'd endows every individual with many abilities; however, it is in the hand of each person to choose how to invest that endowment. Rambam writes in Hilchos Teshuvah (Laws of Repentance), "Anyone who says that one's status as righteous or evil is predestined is a fool." Every person is placed in a position that he is able to choose between good and evil, regardless of his predicament. The only reason the needy person is placed in a state of poverty, is to give him an opportunity to make the right choice, which is not to reject G'd. The wealthy person is endowed with wealth so that he should be able to provide for the needy and not be arrogant.

3. *The Unlimited Opportunity that Is Available to the Jew*

The Torah states, **“The name of strange gods you shall not mention, nor shall your mouth cause it to be heard.”** One is not permitted to mention or cause to be mentioned the name of a deity. The Mishna in Tractate Avodah Zorah tells us that one is not permitted engage in a commercial activity with a non-Jew during the time of his holiday because he may, as a result of his success, give thanks and praise to his deity, the Torah continues, **“Three pilgrimage festivals shall you celebrate for Me during the year.”** A Jew has the obligation to celebrate the festivals of Pesach, Shavuot, and Sukkot by visiting the Temple mount in Jerusalem. He must bring a festival offering and a burnt offering in honor of the festival. What is the significance of the juxtaposition of the observance of the pilgrimage festivals and the prohibition of mentioning idolatry?

Baal HaTurim states, “It is to teach us that one who desecrates the moadim (holidays/festivals) it is the equivalent of doing an act of idolatry.” What is meant by “desecrating the holiday/festival?” Rashbam in Tractate Pesachim explains that one who engages in forbidden creative activity during the intermediary days of the festival (chol hamoed), it is the equivalent of idolatry. One is only permitted to engage in creative activity during this period if it is to avert a financial loss. However, if it is solely for the sake of profit, it is not permitted. If one violates dietary laws it is not considered to be the equivalent of idolatry. Why then is desecrating the moadim equated to idolatry?

There is an argument among the earlier decisors (poskim) whether engaging in creative activity is a Rabbinic prohibition or a Torah dictate. The position of Rambam is that it is a Torah prohibition to engage in creative activity on chol hamoed. According to the others it is only a Rabbinic prohibition. If this is so then how could the desecration of the intermediary days be the equivalent of idolatry?

Maharal of Prague z'tl and Ramchal explain that the Jewish holidays that are mentioned in the Torah are not merely commemorative (to commemorate events of the past). But rather, the Jew is meant to re-experience what had transpired on those particular moments in history. Whatever energies/influences that G'd had released to bring about those events in the past, are once again released every year at those particular times. The Jew who observes the festival as prescribed creates an infrastructure

to contain that energy- thus causing him to be the beneficiary of those influences. On the other hand, if one chooses to violate the festival, the influences that are released will not be captured by that individual. Consequently he will not be spiritually impacted by them. Thus, he will have spiritual limitation.

Even according to the position that creative activity on the intermediary days is only a Rabbinic prohibition, if one engages in creative activity that is not of necessity for the day, it would interfere with one's ability to be the beneficiary of what is available. The Rabbis are qualified to make the evaluation of what is considered an interference and what is not.

If one does not benefit from the influences that are available during the festivals, one will have less spiritual sensitivity, which manifests itself in a lack of clarity. This lack of clarity can ultimately lead one to idolatry. Idolatry is a misconception of the source of one's blessing/existence- believing something is a reality when in fact it is not. When one has honed his spiritual sensitivities, he will not fall prey to falsehood.

The Torah juxtaposes the prohibition against mentioning anything of an idolatrous nature to the observance of the festivals in order to teach us that if one does not observe them properly, he will be denied the spirituality that is necessary to give him sufficient perception of truth. If the Jew is tainted by mentioning a deity or giving credence to paganism by causing another to give thanks to his deity, it will also cause a limitation which could ultimately bring him to idolatry.

Ramah, in his glosses on the Shulchan Aruch, (Jewish Code of Law) rules that a Jew is not permitted to engage with a non-Jewish partner because if there should be a dispute between them, he would be the cause of his partner swearing in the name of his deity, thus giving credence to idolatry. If this should occur, the Jew will no longer be able to be the beneficiary of G'd's positive influences. A similar limitation comes about when the Jew engages in creative activity during the intermediary days of the festivals.

4. *G'd's Expression of Love for The Jewish People*

The Torah states regarding the giving of a loan, **“If you take your fellow's garment as collateral...”** The Midrash equates the destruction of the Temple and the exile of the Jewish people to a creditor taking collateral

from the debtor.

The Midrash states, “Yirmiya the prophet writes, ‘They called them ‘silver that is despised (worthless).’ When the Jewish people were initially exiled from Jerusalem, they were taken out with iron shackles. When the nations of the world witnessed this they had said, ‘The G’d of the Jews despises them. He regards them as worthless silver. When one refines silver, he must heat it and extract the impurities in order to make a vessel. If he refines the silver even further by repeating the process many times, he will ultimately be left only with the dross (worthless impurities) which is discarded. Similar to the dross, the Jewish people no longer have any value because G’d despises and detests them. G’d had taken them out of Egypt and they repeatedly failed until ultimately the Temple (Bais HaMikdash) was destroyed. This is a confirmation that G’d is disgusted by the Jewish people. When Yirmiya saw the destruction of the Temple he said to G’d, ‘Do You truly despise Yehudah (the Jewish people) and are You disgusted with them? You have smitten us beyond recovery. If You want to divorce Yourself from the Jewish people, then You should beat us until we are destroyed from existence. G’d responded to Yirmiya, ‘Even if I destroy all existence, I will not divorce Myself from the Jewish people. I have taken the Temple from them only as collateral (maashkone)...’”

When the Torah initially mentions the “Mishkan – Tabernacle” it is repeated twice in order to allude to the destruction of both Temples that were taken as “collateral – maashkone.” As it states, “I gave My Mishkan in your midst.” Because of His love for the Jewish people, G’d gave them the Temple, which was one of His most precious possessions as collateral. If they needed to be punished, He would not destroy them, but rather He would only take back His collateral. The Midrash continues, “Bilaam said, ‘How good are the tents of Yaakov- when they are built. The Sanctuaries of Israel (Temples) when they are destroyed.’” The Mishkan is valued when it is destroyed because it is taken in place of the debt (brought about by sin), rather than destroying the Jewish people.

Yirmiya the prophet said to G’d, “...If You want to divorce Yourself from the Jewish people, then You should beat us until we are destroyed from existence...” Meaning, the only reason G’d created the Jewish people was to give purpose to existence. Without the Jewish people the world would have no value because they are the only ones qualified to bring glory to G’d. The objective of creation was to be a setting for the Jewish people to receive and fulfill the Torah. Because of the innate spiritual quality of the Jewish people, they are considered

to G’d as His most precious treasure (*aam sigula*). If the Jewish people do not have that intimate relationship with G’d, then it is better to completely destroy them because they no longer have purpose. Yirmiya’s declaration was an expression of his love and attachment to G’d. G’d reassured him that regardless of how much the Jewish people may suffer, He will never divorce Himself from them. G’d will not under any circumstance terminate His relationship with the Jewish people, but will only take back His collateral (the Temple).

If the Jew would only realize his true value and understand that his accomplishments have infinite ramifications, he would not hesitate to take advantage of the opportunity to perform a mitzvah. When the Jew suffers, it is not because G’d is forsaking him, but rather, he is experiencing the destructiveness of his own actions. When the Jew sins, he produces a spiritual impurity; its effect is similar to that of ingesting poison. The lethal effect of the poison is not a punishment, but rather it is a consequence of the body not being able to process the poison. Identically, the spirituality of the Jew cannot tolerate the impurity that was created through sin.

5. *The Fickleness of Man’s Clarity* (from Yisro)

At the time of the giving of the Torah at Sinai, the Torah states, “**G’d said to Moshe, ‘Behold! I come to you in the thickness of the cloud, so that the people will hear as I speak to you, and they will also believe in you forever.’**” What is the significance of, “...they will also believe in you forever?”

Sforno explains it is a known part of Jewish tradition that G’d communicates with mankind. He had done so with Adam, Noach, and the Patriarchs. In all of these instances, G’d communicated to the prophet in a sleep-state. However, regarding Moshe’s prophecy the communication was at another level. G’d openly communicated with Moshe in a wake-state” which is termed by the Torah as “face to face.” No human being until Moshe was sufficiently spiritualized to be able to receive the communication of G’d through his physicality. It was only because Moshe had spiritualized his physicality that he was the receptor for the communication. However, the Jewish people themselves, not realizing or believing that it was possible for man to prophesize in a wake state, needed to personally experience this level of prophecy “face to face.” Thus, the meaning of “**they will also believe in you forever**” is that the Jewish people will believe that G’d had communicated with Moshe in a wake-state which was “face to face.”

Ramban explains that **“they will also believe in you forever”** means that in the future, if a false prophet was to emerge and attempt to contest/undermine the authenticity of Moshe’s prophecy the Torah states that this would not be possible – because the Jewish people witnessed G’d openly communicating to Moshe as His prophet. However, the basis for the false prophet’s position is that he claims that G’d had communicated with him to violate the Torah.

The Torah states after the splitting of the Sea, **“They (the Jewish people) believed in G’d and Moshe his servant.”** When the Jewish people arrived in Rephidim, they were attacked by Amalek and Moshe had sent Yehoshua to lead the Jews into battle against them. Ultimately, the Amalekites were defeated. Reb Meir Simcha of Dvinsk z’tl explains that since it was Yehoshua who was sent into battle and not Moshe, it caused the Jewish people to question Moshe’s unique and special status. Regardless of all the revealed miracles (ten plagues and splitting of the Sea) that Moshe had previously performed, the people believed that if Moshe was truly G’d’s servant/agent he himself should have lead the Jews into battle. It must be that Moshe may not have been the true servant of G’d. Therefore at Sinai G’d needed to reinstate Moshe to the previous level at the splitting of the Sea. His position as G’d’s servant should never be questioned. G’d therefore communicated to Moshe in the presence of the entire Jewish people, thus causing them to believe in Moshe forever as G’d’s agent.

It is interesting to note that during the battle against Amalek, the Torah tells us that when Moshe’s hands were raised in prayer the Jews were victorious. However, when his arms were lowered, the Amalekites were able to gain the upper hand. When Moshe’s hands became heavy from fatigue, Aaron and Chur (Moshe’s nephew) supported them to remain in a raised position. Rashi cites the Machilta that Moshe’s arms became heavy because he chose to delegate the mitzvah to battle the Amalekites through Yehoshua rather than attending to it himself. Since Moshe did not take the initiative with zeal and alacrity, it was considered a failing and thus, he was subject to fatigue.

At the time of the splitting of the Sea, the Jew’s belief in G’d and Moshe was at its peak because of what they had witnessed. However, because Moshe had chosen not to go into battle against the Amalekites, but rather chose Yehoshua, he was the cause of the Jewish people’s distorted perception of him. The re-instatement of Moshe that occurred at Sinai was only necessary because of

Moshe’s personal failing.

We are able to learn from this incident the extreme fickleness of man’s perception of reality. Although initially the Jewish people’s belief in Moshe seemed to have been secure and irrefutable, based on their perception of him, nevertheless because of an event that had followed their understanding of him became distorted. They questioned- if he was in fact the ultimate spiritual person then why did he send Yehoshua into battle? Regardless of the many revealed miracles that Moshe had performed before the Jewish people, they no longer viewed him in a special light. How is this possible?

Because of man’s limited scope, as a result of not having all of the variables that are necessary to perceive something accurately, his reality is established through his limitation. In addition, man is continuously conflicted with his many interests and issues, causing him not to perceive things correctly. The driving force of this conflict is the evil inclination, which is an integral aspect of man’s existence. Chazal tell us *“One cannot believe in himself until the day he dies/last moment of his existence.”* Meaning, even if a person was a tzaddik he is not guaranteed that he will retain his status until the very end. The reason for this is, one must make continuous choices between good and evil until his passing. G’d did not associate His Name with the Holy Patriarchs until they had passed away based on this principle. Could it be possible that Avraham, who had introduced G’d into existence become a heretic? Or Yaakov, who was considered the most special of the Patriarchs – could he have become evil? Evidently, the evil inclination of man can prevail up until the last moment of one’s life. One must pray continuously to be protected from his evil inclination and be engaged in Torah study to merit Divine Assistance. If the Jewish people were able to question the validity of Moshe’s position as G’d’s spokesman/agent, then it is certain that every human being’s perception can be altered.

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5:50- 6:00 am	Chumash with Rashi
6:00- 6:15 am	Pirkei Avos
6:15- 6:30 am	Mishna Berurah
6:30- 7:25 am	Halacha
6:30 -6:45 am	Mussar
6:45 -7:25 am	Talmud—Tractate Avodah Zorah
7:25 - 8:20 am	Davening Followed by Breakfast
8:20 - 8:45 am	Mishna
9:00 -10:00 am	Daf Yomi

2:00pm Mincha

Special Weekday Classes

Monday

11:15 – 12:15pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street

12:30 – 1:30pm **Talmud: Pesachim**
Location: Shandholt 488 Madison Avenue
Between E.51st and E.52st

Tuesday

12:15 - 1:15pm **Torah Insight Based on the Parsha**
Location: Yad Avraham

Wednesday

11:30 – 12:30 pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
Enter on 54th Street

1:00—2:00 pm Derech **Hashem**
Location: Yad Avraham

Thursday

10:30 –11:30am **Tehilim with Malbim**
Location: Yad Avraham

12:00 – 1:00 pm **Talmud: Sanhedrin**
Location: Sunrise Capital 641 Lexington (25th FL.)
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