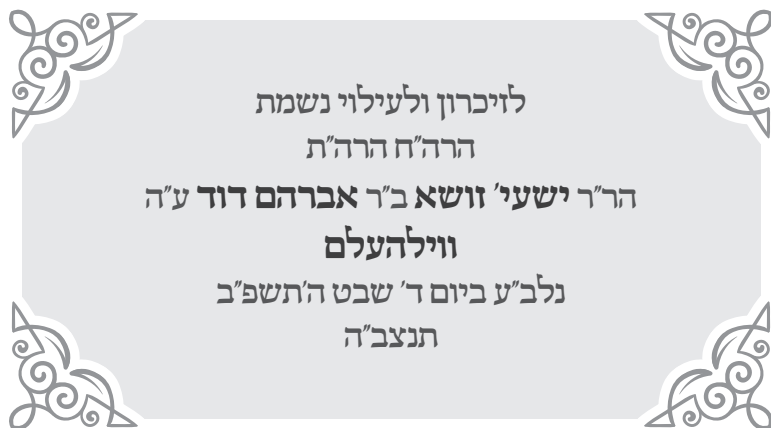


Mishpatim

THE WEISS EDITION

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FROM THE TEACHINGS OF  
THE LUBAVITCHER REBBE ON THE  
WEEKLY TORAH PORTION



לזיכרון ולעילוי נשמת  
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# משפטים

# *Mishpatim*

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כא:א | 21:1

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וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשִׂים לְפָנֵיהֶם

*And these are the ordinances that you shall place before them.*

## *Same Law, Different Court*

This verse, said to Moshe in the context of a discussion about the Jewish elders, is the source from which the Talmud deduces that we must bring civil disputes only “before *them*”—the Jewish courts.<sup>1</sup>

Even if the ruling would be identical in either court (Jewish or secular), we are instructed to seek judgment specifically in courts based on Torah law. Why? By seeking out and abiding by the rulings of Torah law, the individual is submitting himself to the will of G-d. In contrast, to abide by the rulings of a secular court, even if their conclusions are identical to those of the Torah, is merely to acknowledge the justness of human conventions and logic.

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1. Talmud, Gittin 88b; see Rashi and Tosafos ad loc.

The importance of observing the laws simply because they are G-d's will is likewise conveyed in the Talmud's description of the tactics of the *yetzer hara*—the voice inside us that draws us to sin. The *yetzer hara* does not initially suggest that we transgress the most grievous of sins. Rather, "Today he tells him, 'Do this'; tomorrow he tells him, 'Do that'; until he bids him, 'Go and serve idols,' and he goes and serves."<sup>2</sup> Chassidus explains that the *yetzer hara*'s initial "suggestion" does not involve transgressing even a minor prohibition. He begins by lending credence to mitzvah observance from a rational perspective. He says, "Do *this!*" meaning, "This mitzvah is justified, even by *my* standards."

In this way, the *yetzer hara* slowly infiltrates a person's attitude toward Torah observance. Instead of being centered on obedience to G-d's will, one's observance of the mitzvos becomes defined by the degree to which he finds a particular mitzvah sensible, useful and personally beneficial. And after successfully diverting a person's focus from obeying G-d's will and G-d's will alone, the *yetzer hara* can eventually lure him to transgress even the most severe sins.

The Torah therefore instructs us not to adjudicate our disputes in secular courts, even if they will reach the same conclusions as the Torah. For in order not to fall prey to the *yetzer hara*'s vices, our observance of the Torah's laws must not be contingent on human rationalization alone. We must approach all the mitzvos with an attitude of *kabbolas ol*, obeying the mitzvos primarily because they are G-d's will and we are His subjects.

—*Likkutei Sichos, vol. 3, p. 900*

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2. Shabbos 105b.

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 כא:ב | 21:2
 

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כִּי תִקְנֶה עֶבֶד עִבְרִי נִשְׁ שָׁנִים יַעֲבֹד וּבְשִׁבְעַת יָצֵא לְחֶפְשִׁי חֲנֹם

*If you buy a Jewish slave, he shall work for six years;  
in the seventh, he shall go out to freedom without charge.*

## Free to Steal

Parshas Mishpatim immediately follows the account of the giving of the Torah at Sinai, and begins with the laws regarding a thief who was sold into slavery in order to repay the money he stole.<sup>3</sup>

With the law of the thief, the Torah sets the tone for the reality Bnei Yisrael faced after Sinai.

The bedrock of Torah observance is *kabbolas ol*—submitting ourselves to G-d’s kingship and authority. Once we choose to be His subjects, we serve Him by obeying His commands.

At Sinai, however, Bnei Yisrael were *shown* that “G-d, He is the L-rd: there is none else beside Him,”<sup>4</sup> and as a result, a foundation of *free-willed* acceptance of G-d’s sovereignty could not be cemented. Under the influence of that awesome G-dly revelation, devotion to G-d was only natural. Genuine, willing submission to His authority became possible only *after* the revelation was over, when G-d’s presence was no longer apparent.

But with the freedom to submit to G-d’s authority came the freedom to ignore or reject it. The portion immediately following the giving of the Torah therefore begins by warn-

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3. See Rashi, Shemos 21:2.

4. Devarim 4:35.

ing us about the fate of a thief. The Talmud<sup>5</sup> teaches that a thief, who steals covertly, is worse than a robber, who steals openly. The robber is ashamed of neither man nor G-d. The thief, on the other hand, recognizes his wrongdoing and fears being caught. Nevertheless, he disregards the watchful eye of G-d, whose will he is knowingly transgressing. The thief thus epitomizes the inherent “risk” of the post-Sinai freedom of choice: a person can recognize G-d’s existence, yet freely choose not to submit to His authority.

By warning us about the consequences of thievery immediately after the revelation at Sinai, the Torah seeks to make us aware of the post-Sinai reality: the truth is out in the open, but you don’t automatically feel compelled to live by it. The downside of this freedom? You can end up as disturbingly low as a thief. The upside? You can truly and internally accept G-d’s kingship over you, and commit yourself to His service by your own volition and desire.

—*Toras Menachem, vol. 39, pp. 109–112*

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5. Bava Kamma 79b.

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 כא:ה-ו | 21:5-6
 

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וְאִם אָמַר יְאֹמֵר הָעֶבֶד אֶהְבֵּתִי אֶת אֲדֹנָי  
 אֶת אִשְׁתִּי וְאֶת בְּנֵי לֵא אֵיצָא חֶפְזִי...  
 וְרָצַע אֲדֹנָיו אֶת אָזְנוֹ בַּמְרִצֵּעַ וְעָבְדוֹ לְעֹלָם

*But if the servant says, "I am fond of my master, my wife, and my children. I will not go free"... his master shall pierce his ear with an awl, and he shall then serve him forever.*

## Are You All Ears?

If a Jewish servant does not wish to go free after six years of servitude, his master brings him before the court and pierces his ear in the presence of the judges. The servant may then remain with his master until the Yovel, the Jubilee year.

Why does the Torah single out the servant's ear for piercing, out of all the other limbs of the body? The Talmud explains:

For the Almighty says: This ear, which heard My voice on Mount Sinai when I proclaimed, 'For Bnei Yisrael are slaves to Me'<sup>6</sup>—they are My servants, and not servants of servants, and yet went and acquired a master for himself, let it be pierced!<sup>7</sup>

But was the revelation at Sinai only heard, not seen? Doesn't the Torah say, "And the entire nation *saw* the sounds"?<sup>8</sup> If the servant's ears are guilty for not abiding by what they

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6. Vayikra 25:55.

7. Kiddushin 22b.

8. Shemos 20:15.

heard, why aren't his eyes held accountable for not living up to what they witnessed?

In truth, however, the Torah's "disappointment" with the servant is not that he is less spiritually sensitive than he was at Sinai, when he *heard and saw* the voice of G-d. The disappointment is that he is not living up to his current potential, *based on* what he experienced at Sinai. And therein lies the difference between what he saw and what he heard.

After the sounding of the Ten Commandments, the awesome G-dly revelation at Sinai ceased. Hence, a Jew can no longer be expected to relate to G-d on the level of "seeing," with the clarity of purpose that Bnei Yisrael had during the revelation at Sinai.

The purpose of this post-Sinai concealment, however, was to allow Bnei Yisrael to arrive at accepting the yoke of G-d on their own accord. Meaning, that our ability to "hear," i.e., to choose to be G-d's subjects even when His presence is concealed, is still intact. Accordingly, we are held accountable, even post-Sinai, if we fail to *hear* and recognize that "Bnei Yisrael are slaves to Me," and not "servants to servants."

—*Toras Menachem, vol. 39, pp. 110–113*



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 כא:יג | 21:13
 

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וְאִשֶּׁר לֹא צָדָה וְהֶאֱלָקִים אָנָּה לְיָדוֹ  
 וְשִׁמְתִי לָהּ מְקוֹם אֲשֶׁר יָנוּם שָׁמָּה

*And for he who did not ambush, but G-d caused it to happen to him, I shall provide you a place to which he shall flee.*

## *Far Be It from Me*

Why does the Torah first refer to a person who murdered by accident in the third person, saying, “G-d caused it to happen to *him*,” and immediately afterward address the person directly, saying, “I shall provide *you* a place”?

In doing so, the Torah hints that to transgress G-d’s will *even inadvertently* is entirely foreign to a Jew. Therefore, even when the Torah addresses the transgressor directly, it does not refer to his sin as something that “*you* did,” but as something that “G-d caused to happen to *him*”—to someone absent, not your natural self. As Chassidus explains, a Jew’s true identity is his G-dly soul, to whom sin is utterly unthinkable. It is only due to our “other” identity, the animal soul, that it is possible for a Jew to be drawn to sin.

Nevertheless, a person’s sins not only drag his animal soul even lower, they harm his G-dly soul’s sensitivity and conscious relationship with G-d as well. The end of the verse therefore states, “I shall provide *you*—the G-dly soul—a place to which *he* can flee,” i.e., I will provide you an opportunity for

repentance and repair, through which you elevate and repair your animal soul, too.

—*Likkutei Sichos, vol. 9, p. 302*



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