

# חמודי שי על התורה והמועדים

## Chamudei Shai on the Torah and Holidays

by Dr. Joseph Geliebter

### Topics Covered

#### Parashas Mishpatim

#### I

- ▶ *After the Giving of the Torah, the Jewish people have the power to make legal rulings regarding everything that happens in the world*
- ▶ *Just as the mitzvah of Rosh Chodesh demonstrates that we have authority over time, so too, through the mitzvos, we have authority over the entire world*
- ▶ *We have the authority to decide whether or not to blow the shofar on Shabbos; this authority is derived from the very act of accepting the mitzvos*
- ▶ *The merit of receiving the Torah without any comprehension or understanding but solely to fulfill the will of Hashem*
- ▶ *We have the power to determine that "forty lashes" actually means*

### Parashas Mishpatim

#### I

Our Torah portion (Shemos 21:1) opens with the words: "וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תָּשִׂים לְפָנֵיהֶם" "And these are the mishpatim that you shall place before them."

#### The Existence of the World Depends on the Torah and Mitzvos of the Jewish People

The Sfas Emes (5637/1876-7) writes: "The Midrash says, 'He declares His words to Yaakov, His statutes and judgments to Israel'.... See there. The explanation is as follows: 'His words' refers to the Ten Commandments, which represent Hashem's governance of all creation, as we explained elsewhere. For the world was created with the Ten Utterances, and it is sustained with the Ten Commandments. That is, Hashem governs the world through the mitzvos and directives that He gave the Jewish people. Every aspect of creation has a specific mitzvah associated with it, and the Jewish people keep them all. Accordingly, the extent to which the Jewish people observe the mitzvos determines how the world functions. Thus, in giving the mitzvos to the Jewish people, Hashem entrusted the governance of the world into our hands. Every person needs to know this—that the way the entire world functions depends on Man's fulfillment of the mitzvos, as mentioned above...."

I humbly offer additional explanation for the idea expressed by the Sfas Emes: This concept aligns with "Hachodesh hazeh lachem," "This month shall be for you" in Parashas Bo. As we explained in Chamudei Shai on Parashas Bo, through the commandment of

## Topics Covered

*"forty minus one" "forty minus one"*

- ▶ *Just as at the Giving of the Torah, there "naaseh" ("we will do") without first understanding why, so it is at all times*

## II

- ▶ *"ואלה המשפטים," "And these are the mishpatim (ordinances; judgments)" to teach that through Torah study, lights and angels are created.*
- ▶ *משפט-ים, mishpat-ym: ך (yud) – the Ten Commandments, ך (mem) – forty days*
- ▶ *משפט-ים, mishpat-ym: ך (yud) – the Ten Commandments, ך (mem) – [thru] Moshe*
- ▶ *משפט-ים – mishpat-yam: they received the Ten Commandments and the Torah after crossing the sea*
- ▶ *ים (yam), "sea": This refers to the sea of Talmud, the spiritual aspect of the sea*
- ▶ *The Torah is in our hands, measure for measure*
- ▶ *The Torah grants life to us and future generations*

"This month shall be for you," Hashem is telling the Jewish people: "You have control over time; you determine when the Yomim Tovim will occur. Similarly, Hashem granted us control over the entire world, just as He gave us control over time.

This also clarifies why "This chodesh shall be for you" was the first mitzvah commanded to the Jewish people—because it teaches us regarding all the mitzvos: Just as through the mitzvah of "This month shall be for you," we gain control over time, so too, through the fulfillment of all the other mitzvos, we are given control over all of existence.

### **Hashem Governs Based on the Jewish People's Understanding of the Torah**

The *Sfas Emes* continues: "And His judgements to the children of Israel" refers to an even deeper level: that Hashem entrusted the very judgments to the Jewish people. For example, we find that if one leaves beis din with an innocent verdict, the

verdict may not be overturned, and so on. This means Hashem handed over His judgments to the Jewish people. We thus find in a different Midrash that Hashem is not like flesh and blood; rather, He Himself follows the decrees and so on, meaning He abides by the ruling of the earthly beis din when it alters the ruling of the heavenly beis din, for Hashem entrusted His judgments to the Jewish people."

We can elaborate on the words of the *Sfas Emes* regarding "And His judgments to the Jewish people": Hashem says, "I have entrusted judgment to the beis din, and I will follow your rulings. You have the power to interpret My Torah and rule that "forty lashes" is, in practice, thirty-nine lashes. I commanded that the shofar be sounded on Rosh Hashanah even when it falls on Shabbos, but you are concerned that it might lead to carrying on Shabbos, and you have the authority to suspend a Torah commandment and declare, **"We do not intend to blow the shofar on Rosh Hashanah that falls on Shabbos."** And this then becomes the **truth of**

**Torah** as embodied in the concept of "*Zichron Teruah*" ("a remembrance of the shofar blast"), as explained in the *Yerushalmi* and *Midrash Rabbah* on Parashas Emor.

**First, one must Accept the Torah with Pure Faith, and then one Merits Ownership of the Torah**

The Sfas Emes continues: "Indeed, these two aspects occur in sequence. When the Jewish people first received the Ten Commandments, it was an acceptance of the yoke of the kingdom of Heaven and the yoke of the mitzvos even without understanding their reasons but simply to fulfill the King's decree so that the world would be conducted according to the Creator's will through the Jewish people's observance of the mitzvos, as we explained above. Through this, they subsequently merited the *mishpatim* ('ordinances'; 'judgments'), which involve intellectual comprehension. And as the Jewish people decide down here with their intellects, so does the Holy One, blessed be He, concur with them. And this is the meaning of 'we will do and we will hear' – that through the 'doing,' one

merits the 'hearing,' which is the 'understanding,' as stated above. This is the meaning of 'and these are the *mishpatim*,' where the conjunction 'and' connects it to the previous matter, signifying that one can only grasp the *mishpatim* after accepting the commandments, as mentioned."

**The explanation:**

*All of this is contingent on one condition – you can receive the power of the *mishpatim*, including understanding them intellectually, only after accepting the commandments. Just as at the time of the Giving of the Torah, you prefaced "we will do" to "we will hear" – that is, you accepted the holy Torah with complete faith because you were close to Me and wholeheartedly accepted the Ten Commandments, even without fully understanding them.* This is the meaning of "and these are the *mishpatim*" – the conjunctive "and" that links this parasha to the parasha of the Ten Commandments. **It reflects the linking of "we will do" to "we will hear."** By prefacing "we will do" to "we will hear" during the acceptance of the Ten Commandments, we merit "we will hear," which refers

to the *mishpatim* and to the very judicial power itself.



**II**

**Hashem commands Moshe to tell the Jewish people that Angels are Created through the fulfilment of Mitzvos**

"And these are the laws that you shall set before them" (Shemos 21:1).

The Maharal Tzintz explains: Hashem showed Moshe Rabbeinu that every mitzvah creates an angel, and there are lights connected to the mitzvos and to these angels. And these lights become advocates to bring merit to those who fulfill the mitzvos. The Jewish people saw this at the giving of the Ten Commandments. This is the meaning of "saw the voices" – they saw the lights and angels of the mitzvos. Hashem instructed Moshe Rabbeinu to descend to the people – "And these are the laws that you shall set before them" – and explain to them at their level so that they could understand, that the mitzvos they perform literally create new heavens and a new earth, and angels and holy lights,

which then become advocates, speaking favorably on behalf of the person who performed the mitzvah that created them. With this, Maharal Tzintz explains the verse, "which a person shall do and live by them" to mean that a person's life is sustained by the mitzvos, which create these advocates who plead on the person's behalf and protect his life.

### **The Maharal Tzintz's Power to Promise Advocacy in the Upper World**

A while back it occurred to me that the Maharal Tzintz's promise to advocate on behalf of anyone who studies his Torah and publishes his books stems from the fact that whenever his Torah is studied, his lips move in the grave, making it as if he were alive in this world. But not only that—he also ascends to higher spiritual worlds, since the words of his Torah create angels and supernal lights on his behalf. In this way, he lives in two worlds and becomes a conduit for blessing and good manifestations, and he acquires many merits that he can share with others. When I studied his holy words on this parasha, I realized that he himself

explained it this way. Blessed is He that I understood correctly.

### **Allusions in the word "Mishpatim"**

"**And these are the mishpatim**": It occurred to me that the word "mishpatim" can be interpreted exegetically as "mishpat-yud-med."

♦ "**Mishpat-yud** refers to the **Ten Commandments (Aseres Hadibros)**, for which we were required to declare, "We will do, and we will hear," accepting them with faith and without any questions, as explained by the *Sfas Emes* quoted above.

♦ "**Mishpat-mem** refers to the "**forty days and forty nights**" during which Moshe Rabbeinu was in Heaven at the Sinai event, learning the entire Torah—during the day the Written Torah, and at night the Oral Torah, including the principles of Torah exposition and innovation.

♦ Alternatively, "**And these are the mishpatim that you shall set before them**"—for in every raising of the Torah scroll, we say, "**And this is the Torah that Moshe set before the children of Israel at the command of**

**Hashem, by the hand of Moshe.**" Perhaps this is the meaning: that you shall set before them mishpat-yud-mem, 'yud' alluding to the Torah of Hashem, which is all contained in the Ten Commandments, and 'mem' alluding to Moshe, who gave us the Torah of Hashem.

♦ Alternatively, *mishpatim* may be understood as follows:

Mishpat—we understand many of them very well, especially those concerning monetary disputes; they are logical, and we apply reasoning to explain them and arrive at rulings in disputes governed by them. However, before all else, there must be pure faith in Hashem. The 'yud' represents the Ten Commandments (Aseres Hadibros), which are the general principles. Only after accepting them does one merit the "mem," referring to the detailed laws that Moshe Rabbeinu learned during the forty days and forty nights on Mount Sinai. All of this is encapsulated in "that you shall set before them": Just as the Jewish people accepted the Ten Commandments with perfect faith, so should you explain the mishpatim

to them with that same perfect faith. Even though the mishpatim can often be understood rationally, there are nevertheless many laws that fall under the category of chukim ("decrees beyond human understanding")—such as the exemption for damages caused by vessels in a pit or for concealed items damaged by fire. The Jewish people should know that faith is of primary importance and comes first, while understanding the mishpatim is secondary, for the essence of the Torah lies in the faith embodied in the prefacing of "we will do" to "we will hear."

### **"Mishpatim"—The Spiritual Spoils of the sea**

At the splitting of the sea, the Jewish people emerged with chariots of silver and gold, witnessing the fulfillment of the promise to the Avos that **"afterwards they will leave with great wealth."** From this material, the Mishkan was built, **for we had a deep desire to contribute the materials to the Mishkan.** It seems that there is an allusion to this in our parashah: **"And these are the laws mishpatim"—which can also be read as "mishpat-**

**yam"** ("the ordinances / judgements of the sea"). In other words, there is another magnificent treasure that Hashem gave us—the **spoils of the sea of Torah.** **"That you shall set before them"**—this refers to the mitzvos, which are eternal. **"For they are our life and the length of our days"**—this is our heritage. Hashem promised our forefathers that after the Exodus, He would give us a great treasure, and the greatest treasure is the Torah. Thus, **"And these are the mishpatim"—"mishpat-yam,"** the great wealth from the sea of Torah. The treasures of Torah are many: those that are already revealed to us and those that are yet to be revealed. The innovative interpretations that have not yet been revealed are still hidden; they are like **pearls hidden in the sea.**

### **Our Continuous Possession of the Torah is "Measure for Measure"**

In my humble opinion, the fact that the Torah in its entirety is called **"mishpat"** ("justice"), is because it was given **within a framework of justice—**namely, **"measure for measure."** The Egyptians

cast our **sons** into the Nile, but we had a promise from our ancestors, the Avos, beginning with Avraham: **"And Hashem blessed Avraham bakol ('with everything')."** The numerical value of **"bakol"** (בכל) is equal to **"ben"** (בן, "son"), teaching us that **"everything"** is not limited to possessions but also includes our children. We say **"bakol, mikol, kol"**—each of the forefathers was promised **"kol"** (everything). Through this, there is a threefold cord: **Avraham, then Yitzchak, then Yaakov—the latter being a "tzadik" ("righteous person") the son of a tzadik the son of a tzadik.** This anchors us in eternity, ensuring that **offspring engaged in Torah study** will never cease from us. This is truly **measure for measure:** the Egyptians sought to destroy our **children,** and here we will continue to bring forth, forever, **children engaged in Torah study.**

### **The Torah Grants Us Life and the Continuity of Generations**

It can further be added that we merited this because at the Giving of the Torah, we declared, **"Our children are our guarantors."** Through this,

we merited **"for they are our life."** The Torah grants us vitality and nurtures new Torah students in every generation, who rebuild the generation. Every time there is a tragedy, Heaven forbid, we rebuild anew, as in "Do not read it as 'your children' (*'banayich'*) but as 'your builders' (*'bonayich'*)." We see this also in our times, following the destruction of the Holocaust. The new generations and the resurgence of Torah work to enhance the Torah and glorify it.

We see the many yeshivos and kollelim, the *Daf Yomi* and global *Siyum Hashas* movement—the tens of thousands of participants who complete the entire Talmud gathering in one place every seven years. Who could have imagined this after the war? "Blessed are You, Hashem, who chooses His people Israel with love."

And all of this comes from His blessed love for the Jewish people in giving us the Torah. Every mitzvah brings us life, and this is the **great wealth**, this is our heritage.

### **The laws of the Hebrew Servant as a**

### **Metaphor for Accepting the Torah and Divine Service**

In our parashah, it is written: "When you acquire a Hebrew slave, he shall serve for six years" (Shemos 21:2).

Those who delve into hidden meanings have examined why the very first mitzvah after the Giving of the Torah is "When you acquire a Hebrew slave, he shall serve for **six years...**" (see *Chiddushei Harim* on our parashah). I would like to offer my own insight:

The "six years" mentioned in the verse corresponds to the fulfillment of the condition tied to **the sixth day** of Creation, where Hashem stipulated that if the Jewish people would accept the Torah on **the sixth** of Sivan, the world would endure, and if not, it would return to chaos. Hashem thanks the Jewish people for fulfilling this condition by prefacing "we will do" to "we will hear," and therefore commands us, "He shall serve for **six years**"—that every Hebrew slave, whether one who sold himself or one sold by the court, works only **six years**, corresponding to "the sixth day" of Creation

mentioned in the account of Creation. Then immediately after, "**the seventh day** is Shabbos"—he is free.

Hashem is saying to the Jewish people: "You who fulfilled the condition of the sixth day now deserve to rest on the seventh day. And that includes even the Hebrew slave among you. The very fact that you have reached "And these are the mishpatim" means that you have passed the test of accepting the Torah, and I want to give you praise and thanks for saying "we will do and we will hear" and accepting My Torah."

### **One who Observes Shabbos Properly is Forgiven for all his Sins**

**Hashem adds:** "And these are the mishpatim that you shall set before them': When you acquire a Hebrew slave, he shall serve for **six years**, and in **the seventh**, he shall go free, without payment" (Shemos 21:1-2)." This corresponds to the verses: 'There was evening and there was morning, **the sixth day**. And the heavens and the earth were completed... and He **rested** on the **seventh day**' (Bereishis 1:31-2:2). 'And in **the seventh**, he shall go free,

**without payment'** – the term **'without payment'** implies a state free of worries. On the seventh day, you are granted a day of freedom from all sins. As the Sages teach: "Whoever is careful not to desecrate Shabbos—even if he worshipped idols like the generation of Enosh, he is forgiven."

If you stole something and were sold as a slave, after **six years** of servitude as payment and atonement (see what we wrote about this below), **"in the seventh** he shall go free" having repaid his debt and atoned for his sin. Similarly, if you committed transgression, Heaven forbid, **on Shabbos you may rest assured** and not worry about it. This is the secret of why **the Torah was given on Shabbos**: because **there is no free person except one who engages in Torah study, as per the secret of " in the seventh...free, without payment."**

**The Jewish people were Accustomed to Sleeping on Shabbos and therefore needed to be Awakened**

I saw in *Pirkei D'Rabbi Eliezer* (Chapter 41) that they slept for two hours on the day of the Giving of the Torah and

needed to be awakened. This is puzzling, for they desired to receive the Torah—so how is it that they slept? We must therefore say that they had become accustomed to sleeping on Shabbos from when they first received the mitzvah of keeping Shabbos in Marah. They were in such a state of tranquility on the holy day of Shabbos that they simply fell asleep without any worries.

**"On the seventh, he shall go free, without payment."** On Shabbos, Hashem **releases us from bondage** and restores, through Moshe Rabbeinu, the crowns of "*naaseh venishma*" ("we will do, and we will hear") to the Jewish people, and this is the deep restfulness of Shabbos. In the spirit of this idea, we can understand why the Torah delayed recounting the story of the Golden Calf until after the portions of *Mishpatim*, *Terumah*, *Tetzaveh*, and the first half of *Ki Sisa*—to avoid disturbing the joy of the wedding. "On the day of His wedding'—this refers to the Giving of the Torah." The aforementioned three and a half portions all reflect the essence of **Shabbos**, in the spirit of "he shall go free **without**

**payment"** – without concern over the sins in our hands.

### **Explanation of the Special Connection between Widows and Orphans and Hashem**

**"You shall not oppress any widow or orphan ... if he cries out to Me, I will surely hear his cry"** (Shemos 22:21-22).

This can be explained as follows: We know that when widows and orphans suffer under the hands of others, Hashem promises that if they cry out to Him, He will surely hear their cries and pleas.

If we think about it, we can see that how just this is and how it reflects the principle of "measure for measure." For Hashem, in His attribute of judgment, took the family's father, creating a void in the lives of the widow and orphans. They suffer from loneliness, having no one to share their sorrow or their joys with.

### **Measure for Measure**

As a result, "their tears are near," and **Hashem takes it upon Himself to fill this void, becoming "a father to orphans and a judge for**

**widows."** Widows and orphans thus have a special connection with Hashem. They sense this and always turn to Him, for He shows compassion toward them due to their state of loss, mourning, and loneliness. This is why we are warned to treat them properly. And although this is a negative commandment ("lo saseh"), it obligates us to act toward them with kindness and compassion in an active manner, as is well known.

### **Expressions of the Rishonim regarding extreme Caution with Widows and Orphans**

*Sefer Hachinuch* (Mitzvah 65) expresses it thus: "To refrain from being harsh in deed or even in speech with orphans and widows, as it says, (Shemos 22:21): 'You shall not oppress any widow or orphan.' **Rather, all of one's dealings with them must be conducted with gentleness, kindness, and compassion.**" This is the language of the *Sefer Hachinuch* there at the beginning of the mitzvah. See there what else he wrote on the matter.

**Rambam in *Yad Hachazakah*** (*Hilchos De'os* 6:10) expresses it thus: "A person must be cautious

with orphans and widows because their souls are very humble and their spirits are low, even if they are wealthy. Even the widow and orphans of a king are included in this warning, as it is stated, 'You shall not oppress any widow or orphan.' **How should one behave with them? He should speak to them gently and treat them with honor... and he should be more careful with their money than with his own money. He should not treat them as he would treat others; rather, he should treat them with distinction and guide them with gentleness, great mercy, and honor."**

### **Torah Leaders who Fulfilled this in an Outstanding Manner**

To illustrate this, I recalled that my aunt, who is a widow, revealed to us that every Friday she would receive a phone call from an extraordinary Torah scholar, the esteemed Rabbi Binyamin Kamenetsky, zatzal. She always wondered, "Who am I? I don't understand why I deserve this attention—that he calls me every week before Shabbos."

He didn't just call to say, "Good Shabbos." He

also asked how her week was and addressed her by her first name, as if she were a close relative. He showed her the utmost care and respect, never failing to call every Friday. He provided her with such honor and comfort as if she were family.

I also heard from his student, my dear friend Rabbi Yochanan Bechhofer, shlita, that the rav, Rabbi Kamenetsky, once showed him his mobile phone, which had an entire file titled "Widows." The file contained the names and phone numbers of dozens of widows the rav would call every Erev Shabbos, and to each one, he extended the same warm attention, care, and interest in every detail of their situation that he did for my aunt.

### **Divine Promise that whoever does this will be Blessed from the Source of all Blessing**

It seems to me that **one who acts in this way is truly performing the work of Hashem.** When I read this verse, I felt that it could be understood beyond the obligation to strive to be kind to widows and orphans — as highlighting **the unique connection widows and orphans have with**

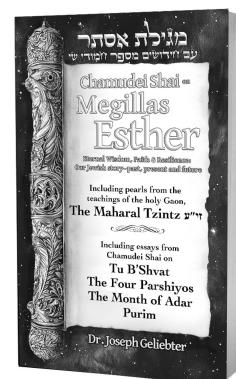
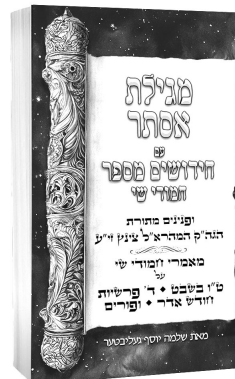
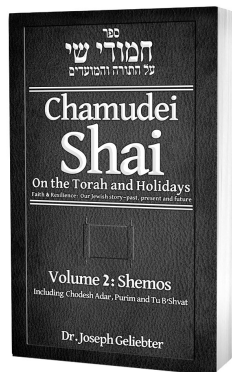
**Hashem**, who listens to them with great attention and also increases the merit of those who treat them with affection. This is because widows and orphans pray for and have gratitude toward those who help them, and Hashem repays them with goodness.

I later found a similar idea in the *Daas Zekeinim* that emphasizes the great reward given to those who show kindness and consideration to these unfortunate individuals. Commenting on the verses, "If you lend money to My people... If you take your neighbor's garment... and it shall come to pass that he cries out to Me, I will hear because I am gracious" (Shemos 22:26), **the Da'as Zekeinim Mibaalei Hatosafos** says as follows:

*Therefore, it seems correct to interpret this as referring back to the earlier words, "until the sun sets...." Hashem is saying: "If you act accordingly, 'and it shall come to pass that he cries out to Me' – that is, he will pray for you for all the good you have done for him, and 'I will hear' his prayer, 'because I am gracious.' Just as you have been gracious and merciful to My creations – for although the creditor acquires the security deposit, you nevertheless showed mercy – I, who am called gracious, will be merciful and gracious toward you and bless you." Similarly, it is written, "Because of this matter, the L-rd your G-d will bless you."*

And if one were to argue that there is a distinction between lending money and caring for a

widow, for with regard to lending it is written, "because I am gracious," whereas with regard to widows and orphans it is written about the cruel person, "My anger shall burn," there is nevertheless still a striking similarity in the language of the two: Concerning widows and orphans, it says, **"If they cry out to Me,"** and concerning a security deposit, it says, **"And it shall come to pass that he cries out to Me."** The same expression of **"crying out"** is used in both cases, describing **deep and emotional prayers**. This makes sense, as those who have experienced loss or poverty tend to pray in the form of an **outcry**, which is powerful and reaches the highest Heavens, as we saw with the Jewish people crying out from the labor in Egypt: **"Behold, the cry of the Children of Israel has come to Me"** (Shemos 3:9).



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