

As its name implies, this week's *Parashah* introduces the "*Mishpatim*" / civil laws. R' Yaakov Yosef z"l (1840-1902; *Rosh Yeshiva*, rabbi, and *Maggid* / preacher in Lithuania; first and only Chief Rabbi of New York City) writes: Some laws--for example, *Sha'atnez* and *Parah Adumah*--are "*Chukim*," laws whose reasons are beyond human comprehension. About such laws, our Sages teach, for example: "One should not say, 'I cannot stand the taste of pork!' Rather, one should say, 'I am sure it is delicious, but what can I do? The Torah forbids it!'" Certainly, one should not think that *Kashrut* laws have health reasons, for then one would abrogate the laws entirely, saying, for example: "How can a small drop of non-kosher food mixed into my kosher food hurt?"

Not so regarding the *Mishpatim*, R' Yosef continues. Regarding these laws, we are not permitted to say that we do not understand their reasons. Rather, we are obligated to investigate using our intellects until we find a satisfactory reason for every *Mishpat*. If one believes that he cannot understand these laws, he should attribute that failure to having bad character traits that prevent him from seeing the Torah's light. And, if some *Mishpatim* seem inconsistent with our preconceived values, we should reevaluate those preconceived values. But, reasons can and must be found.

R' Yosef adds: One might ask how it is logical, for example, that the Torah imposes the identical punishment on a wealthy thief and a poor thief--one of the *Mishpatim* in our *Parashah*. We must bear in mind, he answers, that the Torah describes only the punishment to be imposed by the human court, which must be consistent. There is a separate Divine judgment that takes into account such differences as whether a thief is rich or poor. (*L'Bet Yaakov: Drush* 15)

Tefilah

This year, we will iy"H devote this space to discussing various aspects of our prayers. This week, we begin the subject of "*Kavanah*."

R' Moshe ben Maimon z"l (*Rambam*; 1135-1204; Spain and Egypt) writes: There are five prerequisites to prayer . . . The fifth of these is *Kavanat Ha'lev* / *Kavanah* of the mind . . .

In what way is *Kavanat Ha'lev* a prerequisite to prayer? Any prayer recited without *Kavanah* is not a prayer . . .

What is *Kavanah*? One should remove all thoughts from his mind and see himself as if he is standing before the *Shechinah*. Therefore, one must sit for a little while before praying, so that he can focus his mind. Then, he should pray calmly and as one who is pleading. Also, one should not treat his prayer like a burden that one casts off and walks away from. Therefore, after prayer, one must sit for a little while and only then depart. Pious people in earlier generations would wait an hour before praying and an hour after praying, and would pray for an hour . . .

Likewise, one may not begin praying immediately after engaging in laughter, frivolity, idle talk, quarreling, or anger; only after the study of Torah. But, one should not pray after engaging in give-and-take, which will continue to distract his mind after he begins praying, even though that, too, is Torah study. Rather, one should pray after studying something that does not require deep reflection, for example, final *Halachic* rulings without accompanying explanations. (*Hilchot Tefilah* 4:1, 15, 16, 18)

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“For if you listen to his voice and do all that I shall speak, then I shall be the enemy of your enemies and persecute your persecutors.” (23:22)

R' Nossou Lewin z"l (1857-1926; rabbi of Rzeszów, Poland) explains: The active part of a *Mitzvah* is its “body,” and the accompanying good thought is its “soul.” An action without an accompanying thought is like a body without a soul, while a good thought without an accompanying action is like a soul without a body. When one does a complete *Mitzvah*, including both action and thought, our verse refers to that as “listening” and “doing.” In order to accomplish this, one must try to understand the intention behind the *Mitzvah*.

Middah-K'negged-Middah / measure-for-measure, our verse promises: “I shall be the enemy of your enemies and persecute your persecutors.” A persecutor persecutes actively, while an enemy schemes but does not necessarily follow through. If we combine action and thought to serve *Hashem*, He will deal with those who act against us and also those who merely think bad thoughts about us. (Bet Nadiv p.99)

At the end of his commentary to this week's Parashah, R' Shmuel Ha'Tzarfati z"l (Fes, Morocco; late 17th-early 18th centuries) writes:

This concludes the questions that *Re'em z"l* [R' Eliyahu Mizrachi (1455-1526; Chief Rabbi of the Ottoman Empire)] asked on the commentary of *Ramban z"l* [R' Moshe ben Nachman z"l (1194-1270; Spain and Eretz Yisrael)] to this *Parashah*. I have done what I said I would do, which is to answer all of *Re'em's* questions, so that not one of his challenges to *Ramban's* commentary remains. *Ramban's* words are now clear, and white as snow. Praise G-d, who allowed me to finish! May the merit of my master and teacher *Ramban* protect me and come to my aid, *Amen!* And, just as I troubled myself to defend his words, so may he [*Ramban*] please ask the awesome G-d to act mercifully. May he not be silent until Yerushalayim is rebuilt speedily, for the sake of *Hashem* and His Mercy. May He do this for the sake of His Name and for the sake of His holy Torah, which are profaned among the gentiles; for the sake of His house [the *Bet Hamikdash*], which is destroyed and desolate; and for the sake of His nation *Yisrael*, which is currently lowly and in darkness. May our cries rise to the highest heavens, to the G-d Who sits on the throne of mercy. May He say to the troubles of all of *Yisrael*: “Enough!” Speedily, and soon in our days--*Amen*, so may *Hashem* say! (Nimukei Shmuel Al Ha'Torah)

“If you buy an *Eved Ivri* / Jewish slave . . .” (21:2)

In last week's *Parashah*, the *Aseret Ha'dibrot* / Ten Commandments were given, and now the Torah begins to spell out the laws in detail. Why does the Torah choose to begin with the law of an *Eved Ivri*?

R' Yitzchak Arieli z"l (1896-1974; *Mashgiach* of Yeshivat Merkaz Harav; author of *Enayim La'mishpat*) explains: [The *Gemara* (*Kiddushin* 20a) teaches: “One who acquires an *Eved Ivri* acquires a master for himself.” For example, the master may not sleep on a more comfortable bed than the slave is given, nor may he eat better food than the slave is fed.] Thus, by beginning the Torah's detailed laws with the laws of *Eved Ivri*, the Torah is teaching us how different the Torah's laws are from the laws of other nations. Placing this law first also teaches the degree to which a person must perfect his own *Middot* / character traits--in particular, how he must treat another human being--as a prerequisite to Torah study.

(*Haggadah Shel Pesach Shirat Ha'geulah* p.42)

“So shall you do to your ox, to your flock; for a seven-day period shall it be with its mother, on the eighth day you may present it to Me.” (22:29)

The *Midrash Yalkut Shimoni* teaches: *Hashem* says, “Do not sacrifice an animal to Me before it has lived through a *Shabbat*. Likewise, no *Brit Milah* can take place until the boy has lived through a *Shabbat*.” [Until here from the *Midrash*]

R' Yoel Leib Herzog z"l (1865-1934; rabbi in Lomza, Poland; Leeds, England; and Paris, France; father of Israel's Chief Rabbi Yitzchak Halevi Herzog z"l) writes: At first glance, this *Midrash* seems straightforward enough, but it actually contains a lofty message. Why do some people perform *Mitzvot* meticulously, even looking for new stringencies and customs, while others are happy to get by performing one *Mitzvah* a day? It all depends on the strength of a person's belief that the world was created by a Creator, which is the foundation of all our beliefs, R' Herzog answers. Those who believe unquestioningly in Creation will also believe that the Creator rewards man for his *Mitzvot* and punishes him for his sins. On the other hand, those whose belief in Creation is weak also do not believe fully that man is judged for his actions.

R' Herzog continues: *Shabbat* testifies to our belief in Creation, without which one's membership in *Klal Yisrael* is incomplete. Therefore, we do not perform a *Brit Milah* until a *Shabbat* has passed. Likewise, bringing a sacrifice is of no value unless one believes in Creation; therefore, we require an animal that has experienced a *Shabbat*. (*Imrei Yoel* p.150)