

BS"D Parashat Mishpatim 5783

Judicial Reform?

What is really going on in the dispute over judicial reform in Israel?

Both sides are guilty of lack of frankness and transparency by refraining from stating the true subject under dispute. Judicial reform is just the camouflage.

Ninety percent of the objectors are neither aware of the details of the proposed reform, nor do they have any inkling how judges are appointed to the Supreme Court. What is more despairing, they don't really care.

The core issue is the albatross that has been around our necks since the time of Sinai when HaShem conscripted us into His ranks to serve as His human representatives in this world. To be in the service of HaShem requires that we distance ourselves from other races and cultures. Our purpose is to influence humanity from afar by setting an example of a perfect society under the Torah laws of HaShem in His Holy Land. However, every generation has been witness to a segment of Jews who decry the fact that they were born to a Jewish mother and wish to escape the covenant between HaShem and our forefathers. They are known by different names according to their generation, but the thrust is the same – to escape, to deny!

The initial act of escaping from the covenant was the Golden Calf. It was an active denial by 3000 participants and the many more spectators who did nothing to prevent this tragic sin.

Cattle continue to play sacred roles in world religions such as Hinduism, Jainism and Buddhism, as they did in ancient Egypt, ancient Greece, and ancient Rome. Therefore, since the Golden Calf symbolized a desire for world unity, this act was a call to reject elitism as HaShem's chosen people.

The worshipers of the Golden Calf did not want to be outcasts in the family of nations, where every facet of life would set them apart. It is just as many Jews today who distance themselves from Judaism, preferring to be integrated into American and European cultures, and who are embarrassed when seeing a God-fearing Jew.

The Torah demands that we set ourselves apart from so-called "universal values" by accepting a halachic life. Our food is different, as is our clothing. Hair coverings, speech (interesting that the Hebrew alphabet is not shared by any other language, whereas alphabets such as Latin and Cyrillic are the written avenues of communication of many nations). Our speech from cradle to grave – as is almost every detail in our lives – is totally Jewish.

Those who wish to escape their historic-religious responsibilities take upon themselves the aura of righteousness by proclaiming their loyalty to the five universal human values of Love, Truth, Right Conduct, Peace and Non-violence. However, they simply don't work!

There is little Love in today's world. Truth has become irrelevant, where your truth is not more valid than mine; and moral anarchy has taken a relentlessly solid foothold and continues to grow. Right Conduct among the nations is not universally accepted in its details. Peace is a temporary ceasefire between wars, and Non-violence is non-existent.

So, what is being fought over today in Israel – and, in fact, since the inception of the Medina – is essentially between those Jews who wish to be HaShem's chosen people as opposed to

those who deny the sanctity, relevance and uniqueness of Judaism, and wish to see our country as a land for all its citizens with Judaism playing a minor role.

To be more specific, our current parliamentary government consists of many religious Jews who would be overjoyed to have the Torah as the law of the land; and if not so, at least the aura of Yiddishkeit maintained in the public domain – Shabbat, holidays, kashrut, modest dress, Torah education for all children, etc.

Today's real issue is not how judges are elected to the high court. The demonstrators claiming that the country is in danger of losing its democratic character are really afraid that this government will limit their freedom to deny and violate the sanctity of the Torah.

They want public transportation on Shabbat and holidays, mixed beaches, civil marriage where same-sex marriages as husband and husband or wife and wife are officially recognized. They fear that Israel will prohibit abortion (statistics show a steady average of 17,000 abortions annually). They demand the freedom to bring up their children never knowing the verse of "Shema Yisrael" and never knowing what the Kotel is all about.

Jews like this have been with us since the day Moshe Rabbeinu descended from Mount Sinai carrying the Ten Commandments.

The last election proved that the religious and Masorti (traditional) segments of the population are increasing in strength and numbers and that this trend will continue to increase.

Jewish Slavery

The Creator chose to begin the halachic code of the written Torah with matters pertaining to the master-slave

relationship.

A word of clarification before proceeding. When we see or hear the word “eved” (slave), it automatically brings to mind a picture of a large ship filled with heavily armored and sadistic Roman soldiers whipping half-naked men holding oars and laboring under the beating sun to propel the ship forward.

The translation of the Hebrew “eved” as slave is in the absence of a more precise translation. A Jew who is sold into “slavery” by the bet din (rabbinic court), because of his inability to repay the principal of his theft, is more the master than the slave, as the Gemara (Kidushin 20a) states:

אִם יָבִיא אֶת הַיָּבֵדֵד לְבַיְתוֹ יֵשֶׁת לְפָנָיו וְיִשְׁכַּח אֶת הַיָּבֵדֵד וְיִשְׁכַּח אֶת הַיָּבֵדֵד וְיִשְׁכַּח אֶת הַיָּבֵדֵד וְיִשְׁכַּח אֶת הַיָּבֵדֵד

Whoever purchases a Jewish slave is as if he purchases a master for himself.

The slave receives the choice food and wine and the most comfortable bed to sleep on. If he is married and even with children, the master must support the wife and children without them being subject to him. When the Jewish slave is freed after six years of work, or at the Yoval (Jubilee year), or after financial payment, the master must present him with the financial ability to begin his life anew.

Not exactly the cotton-picking Black slaves in the southern plantations.

Among other details, the parasha sets down the rules regarding a thief who was sold by the court for nonpayment of the principle of his theft. If he can repay the principle – but not the additional fine imposed on him as punishment for his crime – he is not sold into slavery.

During the time of his servitude, the Torah grants the master

the right to couple the Jewish slave with a non-Jewish slave woman for purposes of procreation, as is stated (Shemot 21:4):

וְאִם יִשְׁלַח אֲדֹנָיו אֶת-עַבְדּוֹ אֲשֶׁר לֹא יִשְׂרָאֵלִי וְאִם יִשְׁלַח אֶת-אִשְׁתּוֹ אֲשֶׁר לֹא יִשְׂרָאֵלִית וְיָלְדוּ לָהּ בָנִים וְיָלְדוּ לָהּ בָנוֹת וְהָיוּ עִבְדֵי אֲדֹנָיו עַד-שְׁנַת הַיּוֹבֵל וְהָיוּ עִבְדֵי אֲדֹנָיו עַד-שְׁנַת הַיּוֹבֵל

If his master gives him a non-Jewish slave woman and she should give birth to children, she and her children remain slaves when the time for his release arrives.

After his six-year period of bondage ends, he is free to leave. However, if he should choose to remain a slave (with his master's consent), he is taken to the court where he declares his desire to remain a slave and his right ear is pierced, and then he continues to serve until the Yovel (Jubilee Year). This person is defined in halacha as an eved nirtza – a “pierced slave.”

The fascinating part of this process is the “virtual reality” in which the slave lives, and it is made apparent in his declaration before the court (Ibid verse 5).

וְאִם יֹאמֶר עַבְדּוֹ אֲשֶׁר לֹא יִשְׂרָאֵלִי וְאִם יֹאמֶר אִשְׁתּוֹ אֲשֶׁר לֹא יִשְׂרָאֵלִית וְיָלְדוּ לָהּ בָנִים וְיָלְדוּ לָהּ בָנוֹת וְהָיוּ עִבְדֵי אֲדֹנָיו עַד-שְׁנַת הַיּוֹבֵל וְהָיוּ עִבְדֵי אֲדֹנָיו עַד-שְׁנַת הַיּוֹבֵל

And if the slave says, “I love my master, my wife and my children – I will not go free.”

Nothing in this declaration is real.

The master is no longer his “master,” because the time for his freedom has arrived. The woman is not his “wife,” since there cannot exist a halachic husband-wife relationship where one of the partners is not Jewish. And the children are not halachically his, because they are non-Jewish slaves like their mother!

This man is living a virtual reality, totally disconnected from the “true” reality. This is the mentality that renders him fit to remain a slave – a human robot totally encased in the bubble of his dreams.

Living in a Virtual Reality Bubble

There are two broadly accepted premises within wide circles in the galut. One is that the State of Israel is in great danger, while the other is that life in the United States or other places in the galut is secure.

This, too, is a bubble of virtual reality that relegates its adherents to being slaves to their personal instincts. We in Eretz Yisrael are threatened, but we are not in danger. In contradistinction, the Jews in the galut are not yet threatened but are assuredly in mortal danger.

Granted that, on the face of it, we who have returned to Eretz Yisrael and have had to struggle in defense of our Holy Land are threatened. We are the only nation in the world explicitly threatened with nuclear weapons, and there is little solace in the non-nuclear threats.

Nevertheless, in “true” reality, we are in the safest place on the planet.

The Torah (Melachim 2 chap. 6) relates a story involving Elisha, the protégé of Eliyahu the Prophet.

The King of Aram learned that Elisha was in the town of Dotan in northern Shomron, and he sent a huge military force to surround the town with orders to capture Elisha.

The force arrived there at night and waited. In the early morning, Gechazi, the student of Elisha, went outside and saw that the enemy had completely besieged the town. In

desperation, he called out to Elisha, who calmed the young man by saying:

:אֲנִי וְעִשָּׂיָה נִשְׁמָרִים וְאַתָּה מִתְּהַלֵּל עָלֵינוּ

אֲנִי וְעִשָּׂיָה נִשְׁמָרִים וְאַתָּה מִתְּהַלֵּל עָלֵינוּ
אֲנִי וְעִשָּׂיָה נִשְׁמָרִים וְאַתָּה מִתְּהַלֵּל עָלֵינוּ

Do not fear, for there are more on our side than there are on theirs

Elisha prayed to HaShem saying, "Lord, open his eyes (of Gechazi) so he can see (the surrounding spiritual world)". And HaShem opened his eyes, and he saw the mountain filled with horses and chariots of fire around Elisha

Surrounding Eretz Yisrael are myriads of God's angels protecting the righteous of the land.

Dear reader, you might be shrugging your shoulders and thinking that what HaShem performed for a great tzaddik like Elisha is not necessarily what HaShem is doing for our lowly generation. Wrong!

Whoever thinks that the establishment of the State of Israel, the victories in our impossible wars, and the quality of life we enjoy today are not the result of HaShem's personal intervention, is simply not thinking.

The angels are being overworked in their defense of the Holy Land. After every war, we hear tales of soldiers who swore that angels were driving them on to victory.

By every human standard, the State of Israel should have died in "childbirth" and should certainly not have attained the mature age of seventy-five years (and most certainly not have

one of the world's most stable economies). However, we are here in the fulfillment of HaShem's promise that He will return His children to Eretz Yisrael.

This is the "true" reality, as we shall live to celebrate the defeat of our enemies and will soon celebrate the modern-day Purim festival.

And what of the reality in the galut? A bit of history:

Upon the establishment of the State of Israel, the gates of the land were thrown open, with the first law to be passed being the Law of Return.

HaShem granted the dispersed of Am Yisrael a period of time to return home, in accordance with Israel's capacity to absorb the returnees.

In its first years, Israel absorbed over one million desperate Jews from Europe and Arab and Moslem lands – a feat unparalleled in history. And all this in the midst of wars. This, in itself, proves that our generation is the greatest one since the generation that entered the land with Yehoshua bin Nun.

As time marches on, we are seeing an increase in the "discomfort level" of Jews in foreign lands.

Today, it is very uncomfortable to be a Jew in Europe and in many other places in the world. We are all aware that latent anti-Semitism is as close as the gentile co-worker at the desk next to yours or behind the gentle-gentile smile on your neighborhood green grocer's face.

Many Jews claim that the threat of anti-Semitism is irrational, and certainly not in the United States. Yet, reality teaches that the fabric of society is paper thin, and it takes little to turn neighbor against neighbor and friend into foe.

Even so, this thought does not really disturb our brothers and sisters in the galut. Deep in the recesses of the Jewish galut mind is the knowledge that if, God forbid, the situation becomes intolerable, Israel will always be there to take them in. But this, too, is virtual reality.

Rambam writes in the Laws of Teshuva that HaShem declares a period of time for the sinner to return. However, if he does not return, HaShem creates a situation in his life that makes doing teshuva a very difficult, if not impossible, alternative. The day might come when HaShem declares AD KAN (no more!) and the gates will be closed.

We pray in the chapter preceding the morning "Shema":

יְהוָה יְהוָה יְהוָה

Lead me upright to our land.

Meaning: Permit me to return home, not as a poor refugee with only the shirt on my back, but upright in body and spirit, with self-pride and confidence.

There is still time for those who wish to assure their family's spiritual and physical future, but for how long!

To connect the end and the beginning of this week's contribution. HaShem has appointed a personal SUPREME COURT over every one of us. It is a spiritual moral sense called the Jewish Conscience.

Shabbat Shalom

Nachman Kahana

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