

Mishpatim 5772

BS"D Parashat Mishpatim

Part A:

Our parasha begins with the issue of an indentured servant, who is under contract to work for six years or until the Jubilee year. One can voluntarily enter into such an agreement, but usually it is the bet din (court) that orders the arrangement to permit a thief to repay the capital value of the theft through the money he receives from his master-employer.

The Torah continues to inform us that towards the end of the sixth year, the servant who was sold because of theft can make a declaration before the bet din that he does not wish to be a free man and prefers to remain an indentured servant. If the master-employer agrees, he then perforates the right ear of the servant with a metal awl.

The Yerushalmi (Kidushin chapter 1 Mishna 2) quotes Rabbi Yochanan ben Zakai's answer to his students' question about why the Torah specifies the ear as the organ to be blemished:



The ear that heard at Mount Sinai "You shall not have any other God over you," and this man voluntarily removed from himself the yoke of the Kingdom of Heaven to be replaced with the yoke of a human being – let it be perforated.

Part B:

King Shlomo states (Kohelet chapter 3)



*There is a time for everything, and a season for every desire
under the heavens*

*a time to be born and a time to die, a time to plant and a
time to uproot,*

*a time to kill and a time to heal, a time to tear down and a
time to build,*

*a time to weep and a time to laugh, a time to mourn and a
time to dance,*

*a time to scatter stones and a time to gather them, a time to
embrace and a time to refrain from embracing,*

*a time to search and a time to give up, a time to keep and a
time to throw away,*

*a time to tear and a time to mend, a time to be silent and a
time to speak,*

*a time to love and a time to hate, a time for war and a time
for peace.*

At first glance, King Shlomo is informing us that there are conflicting human desires and actions that, because of their incompatible and irreconcilable essences, require separate times and places.

But that is not necessarily true, for King Shlomo's list contains desires and actions which are compatible and even necessary to be performed in unison.

- A farmer can uproot weeds and thorns while he is planting a seed in their place.
- To rid the world of an evil person is, in its essence, an act of healing for the world.
- Parents weep for happiness as they laugh and dance at a child's wedding.

- At times, when silence speaks louder than words, silence and speaking share the same moment.
- I love my fellow Jew at the same time that I hate our enemies.
- I go to milchemet mitzva (an halachically-sanctioned war) and feel peace within myself.

Breathtaking events of epoch proportions contain within them the opportunity for brilliant and gifted individuals to act contrary to the flow of the times and change the direction of history – for good or for evil.

The creation of Man and Woman – the most dramatic of the Creator's handiwork – gave rise to Adam and Chava's sin, which in Kabbalic terms subverted every iota of creation by imparting imperfection into what was then a perfect world.

The monumental achievements of King Shlomo himself – including the national unification of the people of Israel under the monarchy of the House of David, their spiritual unification centered around the Holy Temple, and political and economic stability – gave rise to the super egos of two men: Rechav'am ben (son of) King Shlomo and Yeravam ben Navat, both of whom designed the blueprint for the nation's future disasters.

The imminent destruction of world Jewry at the time of Achashverosh and Haman gave rise to the greatness of Mordechai and Esther and paved the way for the rebuilding of the second Temple.

The callous disregard by the Seleucid Greeks for all that was holy to the Jewish people brought forth the heroic rebellion led by Mattityahu and his sons in defense of our Torah way of life.

Indeed, great events propel individuals and groups to perform good or evil historic deeds, as David's slingshot propelled the stone that felled the giant Goliath.

The most breathtaking, climactic, electrifying drama of the last 2000 years is, in the view of anyone who possesses a feel for world history, the return of the Jewish people to our Biblical God-given homeland. Its enormity serves as undeniable proof that the God of Israel is the true and only Master of all that exists.

The unprecedented historic episode of Medinat Yisrael has given rise to acts of kiddush HaShem (sanctification of the Holy Name) and to acts of chillul HaShem (desecration of the Holy Name).

The opportunity afforded by the Medina for the regeneration of Torah after the Shoah is producing Torah scholarship in quality and quantity not seen in the last 2000 years. It is a kiddush HaShem of epoch proportions. The immense Torah study here has spilled out to the Jewish communities in the galut; so that even there, talmidei chachamim are molded in the prestigious yeshivot of Rabbeinu Yitzchak Elchanan, Lakewood and others. (For the skeptical, let me point out that thousands of bachurei yeshiva from the galut come here to learn in the Mirrer Yeshiva, Mercaz Harav, Yavne, Ponevitz, etc.; while I do not know of a serious Israeli who goes to a yeshiva in the States in order to increase his Torah erudition, except certain chassidim who go to visit their living or deceased rebbes).

In contrast to the flow towards national redemption in this historic period, the advent of Medinat Yisrael has also produced great failings.

On the 6th of Iyar 5708, the day following the establishment of the Medinah, Jewish history called out to the spiritual leaders of world Jewry to stand as one man and declare, as in the words of Moshe Rabbeinu, "Mi La'Shem Aillai" – whoever is for HaShem let him come forth to me.

The ancient prophets were peering down from their heavenly

perches waiting to see the spiritual leaders of world Jewry leading the return home, while sounding the call of Tzahal's commanders when charging into battle "Acharei" – after me. It did not happen. Indeed, great events also produce enormous historic disappointments.

And the results were not late in coming. It is estimated that the Jewish nation loses over 150,000 sons and daughters to assimilation every year in the galut, which over the last 40-50 years is equal to the number of Jews murdered in the Shoah.

No religious leader in the galut can wash his hands and claim innocence.

Here in Eretz Yisrael, latest statistics show that the great majority of Israelis define themselves as dati (religious), chareidi or mesorati, which relegates those who are indifferent to reject the Torah to minority status. On this background, one would expect the chareidi political parties – Aguda, Shas and Degel HaTorah – to join together with the Dati Leumi (religious Zionists and others) in creating a single electoral bloc to gain the leadership of the country. But that is not happening, because in addition to all else, the Aguda and Degel religious leaders shun away from the responsibilities of making major national decisions, as testified by the fact that they refuse to fill any ministerial positions.

There is a common denominator between the refusal of the religious leadership in the galut to put their future in the hands of HaShem by coming on aliya, and the refusal of the chareidi leadership here to accept responsibility for the major decisions of the nation.

Both groups of leaders have failed to "Cross the Rubicon" and recognize that the Medina is the handiwork of Hashem. They all agree that a leaf does not fall without heavenly agreement,

but close to six million Jews in Eretz Yisrael can just happen without Hashem noticing. Indeed!

Part C: Dear Reader,

In order to understand the mind set of many of our leaders, combine Parts A and B above. The indentured servant is so used to having his life directed by others, that he is afraid to become a free man and – together with emunah (trust and belief in HaShem) – take control of his own destiny.

The great escape valve for you is the Mashiach. He will bring us back. He will kill our enemies. He will fix the economy. But in the meantime, stay put and let others direct your lives so you can go on with the pleasure of complaining how bad the situation is.

The clock of destiny is ticking. The world is daily becoming a more uncomfortable place to be in.

If HaShem is in your heart and you are in the galut, come home now. If you are in Eretz Yisrael, work towards the goal of realizing a Torah-orientated government leading the country in the path of HaShem.

Part D:

Regarding my suggestion in last week's message that rabbinic semicha be awarded only in Eretz Yisrael, I received mixed responses. Some were in total agreement, while others apparently misunderstood the point I was making and were very critical. To them let me say: I did not mean to disparage the Torah erudition of any legitimate rabbi in chutz la'aretz.

But, rather, to emphasize the primacy and centrality of Eretz Yisrael in all matters pertaining to the Torah, most certainly in the specific area of "licensing" the people who will make halachic decisions.

Now in order to placate rabbis and laymen who were offended by

my words, permit me to put forward a suggestion which gives honor to your local rabbi, creates a strong bond between the rabbi and the community, and also gives homage to Eretz Yisrael.

Let every community request that the rabbi give a weekly class in the halachot pertaining to the holy land of Eretz Yisrael.

The syllabus would cover the laws of:

1- Trumot and ma'aserot. When, how and by who are they set apart, and who receives them. Produce grown in fields belonging to non-Jews.

2- The Shmitta (Sabbatical) year. The geographical area where the Shmitta is in effect. The selling of the land (heter me'chira) in contrast to purchasing "non-Jewish" produce. The export of Shmitta produce. Bi'ur Shmitta and otzer bet-din. The prohibition of sefichim as apart from fruit. Private gardens and house plants. Hydroponics.

3- The laws pertaining to ascending the Temple Mount and various degrees of sanctity on the Mount.

4- Why only one day Yom Tov here as apart to a second day in chutz la'aretz?

5- Halachot pertaining to the military.

And much more.

Shabbat Shalom,

Nachman Kahana

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