

Mishpatim 5778

BS"D Parashat Mishpatim 5778

Rabbi Nachman Kahana

Theft, Denial & Swearing Falsely

Among the many halachic issues in the parasha, there are the four categories of shomrim (guardians or watchmen) who do not return the items under their care and are required to swear before a rabbinic court, while holding a Torah scroll, that they were not guilty of negligence.

Parashat Kedoshim (Vayikra 19,11-12) warns of the evils of false oaths and deception:

:לֹא תִשָּׁבַע בְּעַמִּי אֶת-שְׁמִי לְעֵדוּתוֹ וְלֹא תִשָּׁבַע בְּעַמִּי אֶת-שְׁמִי לְעֵדוּתוֹ וְלֹא תִשָּׁבַע בְּעַמִּי אֶת-שְׁמִי לְעֵדוּתוֹ וְלֹא תִשָּׁבַע בְּעַמִּי אֶת-שְׁמִי לְעֵדוּתוֹ

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11 Do not steal. And do not deny falsely. And do not deceive one another.

12 Do not swear falsely by My name and so profane the name of your God. I am the Lord.

Rashi explains the sequence within these pesukim (verses in the Tanach) – theft, denial, swearing falsely. A thief or a dishonest watchman will eventually deny his act and sustain his lie by swearing falsely using HaShem's name.

To steal is iniquitous. Denial of the theft is a sin accompanying the iniquity. Then to swear falsely using HaShem's name is the thief's attempt to make the Almighty an accomplice to his vile conduct.

The lessons of this pasuk became very clear to me in an incident at the Rabbi Jacob Joseph High School in New York's Lower East Side. I was a student in the journalism class where we put together the yeshivah's monthly newspaper. It was prohibited to go to the little cafe in the basement during class time. I was once caught there by the assistant principal who was the yeshivah's disciplinarian. When he asked what I was doing there, I blurted out without thinking, "We're not doing anything now in the class anyway." He marched me back to the classroom and told Mr. Brown, the teacher, what I had said and then left the room.

While we were all waiting for the hatchet to come down, Mr. Brown looked straight at me and in a soft-but-determined voice delivered a lesson I would take with me my whole life – "Kahana, don't pass the buck". Mr. Brown was saying that when I was caught, the right thing would have been to admit and accept the blame and punishment like a man.

In our parsha and in parashat Kedoshim, the pesukim and the Gemara (Bava Metzia) discuss the thief who, when brought before the court, swears falsely while denying his misconduct. This criminal tries to cover up the crime by standing behind the safety net of HaShem and swearing falsely while evoking the holy name of HaShem. He has done the unforgivable; because by evoking the Holy Name, he sought to make HaShem his accomplice to the crime. I can hear clearly the wise words of my teacher Mr. Brown about not passing the buck.

Sin

To stay away from Eretz Yisrael at this extraordinary and unprecedented time in our people's history is a sin. There are religious leaders in the galut who repress the natural desire of observant Jews to return home, using the holy Torah to distort, deform and deliberately fabricate its divine intentions in the justification of that sin. This is intellectually and religiously heinous.

To use the Mashiach as the opiate to suppress one's inherent religious-national compulsions is traitorous to all the dreams, aspirations and prayers of millions of Jews over the last 2000 years.

Their call rings out from all the batei kneset (synagogues) and batei midrash (studies halls) in the galut, "Wait for the Mashiach. He will be God's messenger to bring us home. In the meantime, it is sinful to initiate any act designed for self-emancipation from the galut".

Those religious leaders in the galut live and propagate a lie while seeking to substantiate it through the truths of the Torah.

We in Eretz Yisrael are experiencing an inverse situation. Most of our political leaders are living God's truth but support and sustain it through secular Zionism. It was a mighty force brought to the world in order to create the political entity of Medinat Yisrael, but its thunder is gone. The values of today's western democracy that are inculcated in our society espouse one vote for every person – Jew and Gentile, equality before the law for all, freedom not to believe in God, moral relativity and liberal sanction of all types of perversity. These are values unsuited for HaShem's chosen nation.

The religious, moral and historical basis of our claim to the

Holy Land and our continued presence here are the Torah and HaShem's promise that His Holy Land shall be the possession of His chosen people – the Jewish nation's private fiefdom forever. But there are too many Israelis who have not experienced Torah study and have no inkling what they are doing here.

So, it appears that we in the Holy Land have our spiritual problems, just as do the Jews in the galut. However, there is a big difference between our demerits and those of the Jews in galut, as we can learn from an anecdote from the life of Winston Churchill. Once he appeared drunk in Parliament. A woman MP remarked, "Mr. Prime Minister, you are drunk!" To which Churchill replied, "And you Madam are ugly ... tomorrow I shall be sober."

Of our two societies, we in Eretz Yisrael are temporarily drunk with Western values; but tomorrow, we will be Jewishly sober. In contrast, many of the distorted thoughts and deeds of religious leaders in the galut are ugly and will remain so.

Shabbat Shalom,

Nachman Kahana

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