

And these are the judgements that you shall put before them (Ex. 21:1). Rashi cites the rabbinic teaching that “before them” means that the judgements should only be passed “before the Jewish People”, and not “before a non-Jews”, meaning that one should not pursue legal litigation in a non-Jewish court, even if one knows that that said court has the same opinion on this particular matter as the Torah’s law. The reason for the prohibition of Jews going to a non-Jew court, explains Rashi, is that doing so causes a desecration of Hashem’s name and brings honor to the names of other, non-Jewish deities. *Shulchan Aruch* (*Choshen Mishpat* 26:1) also codifies this Halacha in practice: “It is forbidden to have a court case before non-Jewish judges in a non-Jewish court system, even if the non-Jewish court rules the same way on this particular matter, and even if both the Jewish litigants agree that they want their case tried by a non-Jewish court.” The *Shulchan Aruch* adds: “And anybody who goes to such courts for litigation is a *rasha*, and it is as if he has cursed and blasphemed and lifted his hand against the Torah of our teacher Moshe.” R. Moshe Isserles adds that it is even a problem for a Jew to take another Jew to a gentile court with the intent of that court ruling that the two should move their case to a Jewish court. Nonetheless, the *Shulchan Aruch* rules (there 26:2) that if one plaintiff is particularly well-connected and powerful enough to defy the ruling of proper *beis din*, then his opponent can sue him in a non-Jewish court, provided that he first opens a case with a Jewish court and if his powerful opponent fails to show up, then the Jewish court may give him permission to go to a non-Jewish court in order to retrieve whatever money the other guy owes him. Rabbi Isserles adds that a Jewish court should only grant permission to try a case in a non-Jewish court if one of the litigants refuses to heed to *beis din*’s instructions, but if all parties involved continue to listen to the *beis din*, then there is no permission given to sue another Jew in a non-Jewish court.¹ However, Rabbi Meir Dan Plotzky (in *Kli Chemdah, Mishpatim* pg. 112b–113a) questions this ruling, as he understands that the Biblical verse in question serves as the source for a negative commandment that prohibits Jews from going to a non-Jewish court. Why then

¹ Rabbi Yaakov Lorberbaum of Lisa (*Nesivos HaMishpat* there) further qualifies this ruling by explaining that a Jewish court may only grant permission to try a case in a non-Jewish court if the Jewish court sees evidence of some monetary obligation (e.g., if there is a document attesting to the debt). However, if there is no clear evidence of the existence of a debt (e.g. if there was a verbal loan), then in such a case, a Jewish court cannot grant permission for the litigants to move to a non-Jewish court, even if one of the litigants refuses *beis din*’s summons. Rather, the only thing that *beis din* can do in such a case is excommunicate the fellow who refuses their instructions, but not allow his opponent to sue in a non-Jewish court. Nonetheless, Rabbi Meir Dan Plotzky (*Kli Chemdah, Parshas Mishpatim*) cites the Rabbi Yehoshua of Kutna (author of *Yeshuos Yisroel*) as saying that the prevailing custom is not like the *Nesivos* that as long as one of the litigants refuses *beis din*’s instructions, then *beis din* can always give permission to sue in a non-Jewish court.

should we allow him to resort to a non-Jewish court in order to retrieve whatever money the other guy owes him? After all, the rule is that one is obligated to lose all his money in order to avoid violating a Torah prohibition? Perhaps we can suggest that since this is the appropriate way for a *beis din* to act when they have limited jurisdiction, then it is considered as if someone is following *beis din*. A person who goes to a Jewish court and as part of their procedure is sent to a gentile court should not be looked at as someone who has abandoned Jewish justice in favor of another system, but rather someone who has followed the appropriate *beis din* protocol for his particular circumstances, and thus is not violating the negative commandment at all, as he is obeying a Jewish court ruling.

When a man purposely comes upon his friend to kill him with trickery, from with My alter, you shall take him to die (Ex. 21:14). Rabbenu Bechaya explains that “from with My alter...” refers to the witness, meaning if we want to put a murderer to death, but one of the witnesses who saw the murder was busy officiating in the Temple, we take that person away from his ritual duties in order to bring him to court to testify about the murder he saw, so that the death penalty can speedily be applied. This teaches us that eliminating the wicked from the world and carrying out justice is so important that it supersedes the ritual sacrifices to Hashem. Indeed, the Midrash (*Bamidbar Rabbah* 21:3) says that he who spills the blood of the wicked is considered to have offered a sacrifice. Moreover, the Talmud (*Sanhedrin* 43a) teaches that when *beis din* applies capital punishment, they give the criminal a quart of frankincense in a cup of wine in order to dull his senses before putting him to death. Rabbi Avraham Palagi (in *Avraham Es Einav* there) explains that the frankincense is like *ketores*, and the wine is like the ritual libations, both of which accompany regular sacrifices, because killing a wicked person is tantamount to offering a sacrifice.

And one who hits his father and/or mother, he shall surely be put to death. And one who kidnaps a person and sells him and he is found in his possession, he shall surely be put to death (Ex. 21:15–16). Rabbi Menachem Recanati (*Taamei HaMitzvos*, Negative Commandment 32) writes that even though it quite farfetched that a person would ever hit his father or mother, still the Torah offered this prohibition in the case of a person who was kidnapped as a child and he does not recognize his parents at all. In such a case, if this person hits his mother or father with witnesses and a warning, he is liable for the death penalty.

...only his [the person who was damaged] wage shall he [the damager] give, and he [the damaged person] will surely be healed (Ex. 21:19). Rabbi Yonason Shteif (*Amaros* 23) writes in the name of R. Mendel of Riminov that the word “his wage” (שבתו) is derived from the word “Shabbos” (שבת), in allusion to the fact that healing only comes about in the

merit of properly keeping the Shabbos (see also *Tiferes Shlomo* who writes something similar to this). I also heard that the word “his wage” (שבתו) is derived from *teshuvah* (תשובה), because *teshuvah* also has the ability to heal, as it says, “And he will return, and he will heal him” (Isa. 6:10).

...and he [the damaged] will surely be healed (Ex. 21:19). Rabbi Yonason Shteif (*Amaros* 25) writes that any physical ailment is a sign that there is also a spiritual ailment. This is because the 248 limbs of a person correspond to the 248 positive commandments, and the 365 sinews correspond to the 365 negative commandments (see *Makeos* 23b and *Zohar* 1:170b, and *Shaarei Kedusha* of R. Chaim Vital, Shaar 1, Ch. 1). For this reason, the Torah repeats the expressions of healing in this phrase twice (ורפא ירפא), because it refers to healing both on a physical level and on a spiritual level. First, Hashem heals the spiritual ailments, and only then do the physical ailments also become healed.

An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot (Ex. 21:24). This passage refers to monetary remuneration, not to actually knocking out the eye of one who knocked out somebody else’s eye. When then does the Torah word the passage in a way that sounds like it means that one should literally knock out the eye of one who knocked out somebody else’s eye? Rabbi Yonason Shteif (*Amaros* 26) explains that this serves to allude to the fact that if somebody’s eye was knocked out by somebody else, then it might have happened because in a previous incarnation, that person knocked out his eye. Accordingly, this accounts for the literal meaning of “an eye for an eye.” But why does Targum Onkelos translate the text literally as “an eye for an eye” if the Torah really means to prescribe monetary compensation? Rabbi Yitzchok Isaac HaLevy Rabinowitz (in *Doros HaRishonim* vol. 1, ch. 16 and vol. 2, ch. 16) explains that even though usually Onkelos tends to render the Biblical texts in line with the exegesis of Chazal and the Midrashim, still in this case, the plain reading of this verse indeed is supposed to suggest that one’s eye should be poked out in retribution for poking out another’s eye, because the Talmud (*Bava Kamma* 83b) even understands that this is the plain meaning of the text, but that another source (i.e. Num. 35:31) teaches us that one cannot accept monetary payment to exonerate a murderer, but one *can* accept monetary payment to exonerate a damager. That passage is the source for monetary compensation, not our passage at hand.

An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot (Ex. 21:24). Rabbeinu Efraim notes that the first letter of these four body limbs (עין שן יד רגל) spells out the word “rich” (עשיר), in allusion to the idea that “to be healthy is to be truly wealthy”, anybody who has these four limbs is considered outrageously “wealthy.” This same idea is

found in *Midrash Chasersos ve-Yesiros*² and is also cited by Rabbeinu Yoel in *Sefer ha-Remazim* who adds that if somebody is missing one of these four limbs, he is considered as though he is dead, (this means that his life becomes terribly unbearable.) Rabbi Chaim Loewe, brother of the Maharal of Prague writes in *Iggeres HaTiyyul* that the word “rich” (עשיר) is an acronym for these four body parts and alludes to the fact that if those four body parts of his are intact, one can properly work and sustain his family. (See also *Chida* in *Dvash LeFi* Maareches Ayin 4, and *Lechem LeFi HaTaf* Maareches Ayin 5).

When an ox gores a man... or a slave the ox gores... (Ex. 21:28–32). When discussing an ox goring a regular Jewish man, the untranslated word *et* (אֶת) separates the word “ox” from the word “man”. However, when discussing an ox goring a slave, the Torah does not have any words separating the word “ox” from the word “slave”. *Peirush HaRokeach* (pg. 224) derives from this that one’s slave is equal to his animal, such that just as the Talmud (*Brachos* 17b) says that if one’s ox dies, others should console him with the prayer, “May the Omnipresence make up for your loss”, so should that formula be used to console one whose slave died. Though we know that normally, such an expression is not used for humans, for one’s slave it can be because a slave is replaceable with another one. This indicates the tragic and dehumanizing experience of slavery, for in this institution a person is treated as livestock.

If a man opens a pit, or a man digs a pit... (Ex. 21:33). The word “pit” in this passage is spelled in two different ways. The first time it appears, it is spelled בֹּר with a *vav*, and then the second time it appears, it is spelled בַּר without a *vav*. Rabbi Shmuel Strashun in *Hagabos HaRashash* (to Bava Kama 3a) accounts for this phenomenon by explaining that one is liable for two different types of damages that could result from a pit under his responsibility: One type of pit is a wholly dangerous pit that can cause lethal damages and kill somebody (it is 10 cubits deep). This is the first type of pit, which is spelled out in full with a *vav* because it is extremely dangerous. The second type of pit cannot kill somebody (it is less than 10 cubits deep), but is still nonetheless dangerous and could cause other sorts of damage. This type of pit is spelled without the letter *vav* because it is not as much of a threat as the first type of pit. Rabbi Yaakov Tzvi Meklenburg in *HaKsav VeHaKabbalah* offers a different approach: Rashi (as elucidated by Rabbi Eliyahu Mizrachi) explains that if one finds a preexisting pit that is only 9 cubits deep, but he digs 1 cubit down, then if somebody dies in that pit, he is liable,

² This exegesis also appears in *Midrash Shmuel* (to *Maseches Avos* on the Mishnah of “who is rich? He who is happy with his lot”) in the name of Maharam Al-ashkar (see also *Kovetz Tzefunos*, Tammuz 1989 pp. 24–25). Rabbi Shlomo Buber in his introduction to the Old Midrash Tanchuma (p. 140) also writes that he saw this *drash* written on the same of an ancient copy of *Midrash Tanchuma*.

even though he did not dig 10 cubits, he only dug 1 cubit. Accordingly, the Vilna Gaon explained that when discussing a case of somebody uncovering a preexisting pit, the word “pit” is spelled out in full because this person will only be liable for the death of others if that pit was already “full” (i.e. 10 cubits deep) at the time that he uncovered it. However, when discussing the cause of the man who “dug” a pit, it spells the word “pit” without a *vav* to denote that this man’s digging was not a full act of digging, but rather only consisted of digging 1 cubit deep. As per the above, the Torah means to teach us that even in such a case, the digger is still held responsible.

When a man steals an ox or lamb, and he slaughters it or sells it, then he shall pay five times the cattle for the ox, and four times the sheep for the lamb (Ex. 21:37).

Likutei Basar Likutei and R. Yonason Shteif (*Amaros* 31) both cite Rabbi Samson Raphael Hirsch as offering a rationalist explanation for why the Torah imposes a heavier fine on one who steals cattle or sheep than on one who steals anything else. When one steals livestock, he cannot simply hide it in his house to make sure that nobody else takes it from him. Rather, the thief must leave the animals outside in his field, and rely upon society’s decency that nobody else will take away the animal that he worked so hard to steal. By doing so, the thief is forced to admit that there is a societal expectation that nobody takes animals that belong to others. Accordingly, when it is time for his punishment, an extra fine is levied against him because he himself admits that he has violated society’s rules by stealing this animal which belonged to somebody else. Not only did the thief sin against the one from whom he stole it, but he sinned against society as whole, so his punishment is greater. On the other hand, when a thief steals something other than livestock, we can, in a way, blame the victim by saying that he should have hid that thing in a protective place so that others could not steal it. That leads to the thief’s ability to claim, in a way, that the victim is somewhat complicit in the crime, so we do not throw the book at him. This of course does not apply to livestock which, again, can only be let outside and *must* rely on society good nature.

And the owner of the house will approach the judge [to argue] if he did not send forth his hand upon his friend’s work (Ex. 22:7). Rabbi Meir of Premishlan (*Divrei Meir*, see also *Marginisa deRabbi Meir*) used to say that this verse teaches that the way that a simple homeowner can approach Hashem (the word “judge” in this passage is *elohim* which also refers to Hashem in other places) is by not putting his hand upon his friend’s work and encroaching on their territory!

If her father refuses to give her to him, then he shall measure out silver, like the dowry of virgins (Ex. 22:16). Rabbi Yehoshua Leib Diskin of Brisk (*Maharil Diskin Al haTorah* p. 111) cites the

explanation of the Tosafists in *Daas Zekanim* that that the phrase “like the dowry of the virgins” equals in *gematria* 200 זוזז minus one, as primacy is given to the traditional way of reading the Bible (as opposed to the Masoretic text). Rabbi Diskin explains that the word “like the dowry” (כְּמוֹהָר = 271) equals one more than the *gematria* the phrase “200 zuzim” (ר' זוזים = 270). This *gematria* only works if one accounts for the word “like the dowry” (כְּמוֹהָר = 271) as it is *read* in the Torah, but if one accounts for it as it is spelled in the Masoretic text (כְּמֹהָר = 265) without the letter *vav*, then this *gematria* does not work!

A witch shall not live. Anybody who lies with an animal shall surely be killed (Ex. 22:17–18). The *Peirush HaRokeach* writes that the juxtaposition of these two sentences teaches that most cases of illicit sexual are done with witchcraft; but I don't quite understand what he means. *Baal HaTurim* similarly explains that the juxtaposition of these two verses teaches that most illicit sexual acts are done through witchcraft. He also explains that this passage alludes to Bilaam the Sorcerer who was known to have slept with his donkey, as the last letters of the phrase “anybody who lies” (כָּל שׁוֹכֵב), plus the word “with” (עִם) spells out the name Bilaam (בִּלְעָם). Moreover, explains *Baal HaTurim*, these two verses are juxtaposed to the next verse which says, “He who slaughters for the gods shall be banned” to teach that most forms of witchcraft involve offering sacrifices to foreign gods. Ibn Ezra notes that immediately before the passage about witches, the Torah records the laws concerning one who seduces an unmarried virgin, in order to teach that those who desire relationships with virgins sometimes use witchery to fulfill their lust. Abarbanel similarly writes that the most common way of seducing/convincing virgins was to use witchcraft. Going back to Bilaam, Rabbi Moshe Alshich (in *Toras Moshe* here) explains the juxtaposition of the witch's death penalty, bestiality, and sacrifices to foreign gods: The *Zohar* (vol. 1, 125b) says that by mating with his donkey, Bilaam would have a spirit of witchcraft rest upon him, and that would lead him to slaughtering sacrifices to gods other than Hashem. Based on this, Alshich explains that Hashem forewarned the Jewish people from partnering any other forces in our worship of Hashem to serve as an intermediary between ourselves and Him. He compares the use of intermediaries to people who ask a king's closest servants to intercede on their behalf, instead of appealing directly to the king. Such behavior might be appropriate for other nations, but for the Jewish People this is inappropriate. Hashem chose the Jewish People as His nation, and called us His firstborn. It is a disgrace for the King's Firstborn to have to show submission to the king's servants. They are only to show submission to the King Himself, not to anybody else.³

³ See *HaEmek Davar* (here) who explains that bestiality had certain known magical effects, which is why Bilaam slept with his donkey. Rabbi Yaakov Chaim Sofer in *Chukei Ritzonecha* (vol. 1, addenda p. 74) writes about the

Any widow... (Ex. 22:21). Rabbi Yaakov Tzvi Meklenburg in *HaKsav VeHaKabbalah* writes that the word “widow” (*almanah*) literally refers to a woman whose husband died. He explains that the word is a portmanteau of the words *al* (“no”) and *manah* (“portion”), meaning that a “portion” of this woman no longer exists. In other words, because a man and woman are considered two parts of one whole, then when the man dies, his wife is left bereft of a portion of herself. The same is true of a man whose wife dies, who is called an *alman*. The Talmud (*Kesubos* 10b), on the other hand, explains that the word *almanah* means “only a *manna*”, with *manna* being a unit of currency. This etymology of the word *almanah* alludes to the Halacha that a previously married woman who deserves one *manna* as part of her prenuptial *kesubah*, while a previously-unmarried woman deserves two *manna*. Nonetheless, Rabbi Meklenburg notes that this Talmudic etymology does not contradict what he wrote above concerning the implications of the words *almanah* and *alman*, because the Talmud did not mean to truly analyze the words from a linguistic perspective, but rather meant to offer an exegetical interpretation. Rabbi Menachem Azaria of Fano (*Asara Maamaros, Eim Kol Chai* 3:17) writes that the word *almanah* is related to the word *armonah* (or *armon*), “palace”, as a widowed woman serves as a “palace” for the spirit of her deceased husband.

And your wives will be widows and you sons, orphans... (Ex. 22:23). Rashi asks: From the fact that it says, “And I will kill you...”, do I not know that your wives will be widows and your sons will be orphans? So why then does the Torah have to add these curses to befall those who mistreat the widow and orphan? Rather, Rashi explains that one punishment to befall those who mistreat widows and orphans will be that those people will die. A different possible punishment that could befall them is that their wives will be forced to live like widows, meaning that their husbands will die and they will be forced to remain unmarried because there will be no witnesses attesting to their husband’s death to allow them to marry a new husband, so they will be forced to live like widows for the rest of their lives. Similarly, their children will be orphans, but will not be taken care of by simply inheriting their deceased father’s property, because they will not be able to bring ample proof that their father died and was not simply kidnapped.

And you shall be Holy Men to Me, and the meat in a field [of a] clawed [animal] you shall not eat—to the dogs you shall throw it (Ex. 22:30). Rabbi Moshe Sofer writes in *Drashos Chasam Sofer* (vol. 1 pgs. 144b; 150a) that a person who violates the sins of forbidden foods will be reincarnated as a dog, as it says “to the dogs you shall throw it”.

connection between donkeys and witchcraft in accordance with the Gemara (*Sanhedrin* 67b) about making a donkey through witchcraft.

Much of the material presented in **Oneg!** has been translated by Rabbi Reuven Chaim Klein from Rabbi Elchanan Shoff's weekly Hebrew 'Aalefcha Chochma' parsha sheet. To sign up to the **Oneg!** weekly email list, or to sponsor a week of **Oneg!** send an email to BKLAshul@gmail.com

And you shall be Holy Men to Me, and the meat in a field [of a] clawed [animal] you shall not eat—to the dogs you shall throw it (Ex. 22:30). *Peirush HaRokeach* (pg. 127) notes that this passage is written right before the Torah says, “Do not bear a vain hearing” in order to teach that he who speaks ill of others is fitting to be thrown to the dogs (see *Pesachim* 118a). This is why, according to the Midrash (*Bereishis Rabbah* 84:14), when Yosef’s brothers first saw him at Dosan, they wanted to sic a wild dog on him. Meaning, because they accused Yosef of speaking badly of them to their father, they felt that he deserved to be punished by having a dog attack him.

...follow the majority (Ex. 23:2). Rabbi Moshe Sofer, author of *Chasam Sofer*, in his work *Toras Moshe* (here) explains this based on the following idea: A sage was once asked by a gentile that if the Torah ordains one follow the majority, then if most of the world’s population worship idolatry, then the Jews should also follow that majority and worship idolatry as well. The answer to this question, of course, is that Halacha only says to follow the majority when there is a situation of doubt, and we do not know which way to go. In such a case, the Torah says to be “inclined” after the majority. However, this rule does not apply if there **is no doubt**. In the case of idolatry, we have no doubt that Hashem Our God is the One True God and everything else is made-up. In such a case, there is rule that one should answer the question based on the majority, because there is no question to ask.

Do not incline the justice of your destitute in his fights (Ex. 23:6). Targum translates the word “incline” (תטה) as תצלי. This shows that the word צלי means “incline”. Elsewhere, the word צלי is used as a translation for “prayer” which is called צלותא. Perhaps the connection between “prayer” and “incline” is that when one prays, he tries to have Hashem inclined away from His Throne of Justice and closer towards His Throne of Mercy.

Do not incline the justice of your destitute in his fights (Ex. 23:6). *Peirush HaRokeach* (pg. 127) writes that from the beginning of the Parshah (Ex. 21:1) until here are 73 verses. These 73 verses correspond to the 73 chapters of the Mishnah in the Order of Damages (*Bava Kama* = 10, *Bava Metz'ia* = 10, *Bava Basra* = 10, *Sanhedrin* = 11, *Makkos* = 3, *Shevuos* = 8, *Avodah Zarah* = 5, *Horayos* = 3, *Eduyos* = 8, and *Avos* = 5), which equals the *gematria* of the word “wisdom” (חכמה = 73). This alludes to the Talmudic assertion that “one who wishes to become wise, should busy himself in monetary laws” (*Bava Basra* 175b). One manuscript of the *Peirush HaRokeach* adds that these 73 verses also correspond to the 71 members of the Sanhedrin, plus the verses themselves.

The initial “first yield” [i.e. first fruit] of your land... (Ex. 23:19). Rashi explains that even the first fruits of the seventh year (*shmitta*) are obligated to be brought as *bikkurim*. He explains that for example, if a person goes into his field and sees that his fig-tree began to

sprout/blossom, then he should tie a string around that fruit as a sign that it is the first, and then consecrate that fruit and bring it as *bikkurim*. Rashi also stresses that the commandment of *bikkurim* only applies to the Seven Species for which the Holy Land is praised (Wheat, Barley, Grape, Fig, Pomegranate, Olive, Date), and not any other produce. This is taught in the Mishnah (*Bikkurim* 3:1) and in the *Sifrei* (301). Rabbi Yaakov Solnik (in *Nachalas Yaakov* to Deut. 25:2) writes that Rashi chose to speak about the fig as an example because the fig differs from all the other Seven Species in that the with figs not all the fruits will become ripe at the same time, rather, throughout the summer here and there different fruits on the same tree will begin to ripen. On the other hand, with all the other types of produce, then entire crop will become ripe more or less around the same time (see also Rashi to *Pesachim* 56b).

All that Hashem speaks, we will do and we will listen (Ex. 24:7). The Talmud (*Shabbos* 88a) relates that when the Jews preceded saying “we will do” before saying “we will listen”, a Heavenly Voice called out and rhetorically asked, “Who revealed this secret to My children, for this [is the idea which] the angels use...” Rabbi Mordechai Shalom of Brezan, known as the Maharsham, explains in *Techeles Mordechai* (*Mishpatim* 16) the deeper meaning behind this passage: Nachmanides in his introduction to his commentary to the Chumash writes that the Torah consists of a plain/simple level and a secret/esoteric level. The latter is comprised of the different combinations of letters and Names, which accounts for the Torah’s inconsistent use of spelling which sometimes uses more letters and sometimes less. This is why is a Sefer Torah is missing even one letter, it is entirely disqualified, because then the Torah can be used to express those secret Names and combinations. These secrets also explain for the discrepancies in the way that the Torah is read versus the way the text in which it is written. Accordingly, there is a difference between any type of knowledge and Divine knowledge. When it comes to any other type of knowledge, the longer/more often that something is in front of somebody, the greater understanding he will have of it (see *Techeles Mordechai*, *Chukas* 17). On the other hand, concerning Divine wisdom, the more one is exposed to it, the more he will realize that he does not really know what is happening. The truth is, that this is actually the final goal of studying the Divine, to know one’s own limitations. To that effect, King David said about himself, “...for I *know* that Hashem is greater than all ‘gods’ (Ps. 135:5).” Moreover, R. Isaac Chaver explains in his commentary *Yad Mitzrayim* to the *Haggadah* another idea related to this. The Talmud says that when the Jews **stood at Mount Sinai**, the spiritual filth which the Serpent infected Chava with, and through her all of humanity, stopped affecting the Jews. That “pollution” refers to the direct results of eating from the Tree of Knowledge which gave man a desire to be able to contemplate through his own faculties what is considered good and what is considered bad,

and not to rely on his belief in Hashem who revealed through the Torah—that is the Tree of Life—what is good and what is bad. This “pollution” is the basis for the original heretics who used their own intellect and reason to conclude that Hashem does not exist and does not administer the world. This was all done by using their “polluted” intellect, which came about through the Tree of Knowledge; and essentially means that "the Serpent infecting mankind" is a way of expressing that "human grew clouded in their ability to see accurately." However, the Jewish People who stood at Mount Sinai and saw with their own eyes how Hashem revealed Himself, returned to the paradigm of a continued belief in the Torah and view it as a way of understanding Hashem's model for good and bad. With this in mind, Rabbi Chaver explains why the *Haggadah* claims, “If You would have brought us close to Mount Sinai and not given us the Torah, it would have been enough”. What would be the point of coming to Mount Sinai if not to receive the Torah? In light of the above, it makes a lot of sense: The mere fact that the Jews experienced a Revelation of God at Mount Sinai allowed them to open up their eyes and reject the pollution of the Tree of Knowledge and see clearly. This has its own advantages even without resorting to the Torah's instructions as a window into Divine insight.

And Moshe was on the mountain forty days, and forty nights (Ex. 24:18). The Midrash (*Yalkut Shimoni* Devarim 852) asks: Can an ordinary human being last for forty days without eating and drinking? Rather, once Moshe ascended the Upper Realms, he became like those Divine entities, just like a person who visits a city adopts the customs and etiquette of that locale. As they say, “when in Rome...” See also what Rabbi Yaakov Reischer writes in responsa *Shvus Yaakov* (vol. 1, end of *Yoreh Deah*) and what Rabbi Yosef Shaul Nathansohn writes in *Dirrei Shaul*.

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PARSHAS MISHPATIM

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Parshas Mishpatim

“You Shall Follow the Majority” Shemos 23:2

*There was once an idolater who approached Rabbi Yehoshua ben Korcha and asked him “it says in your Torah) ‘you shall follow the majority.’ We idolaters are more numerous than you Jews, why do you not join together with us, and worship as we do?” He replied, “Do you have children?” “There you go reminding me of my troubles,” responded the idolater, “I have many children. When they come to eat in my home, this one offers blessings to his god, and the other to his god, and the next thing you know, they are crushed each others’ skulls.” So Rabbi Yehoshua said to him “do you succeed in getting them to join together in worship?” The man responded “no!” So the Rabbi said to him, “before you attempt to get us to join together with you, perhaps you ought to work on your own family first.” The idolater hurried away⁴. Once the idolater left, Rabbi Yehoshua ben Korcha’s students said to him “Rabbi, you pushed him away with a broken stick⁵, but tell us the real answer [to why we don’t follow the rest of the worlds views, since they are the majority after all.]” He said to them, “when the Torah speaks of Esav⁶ he was only with six people and yet they are called ‘nefashos – souls’ in the plural, but when it speaks of Yaakov and all seventy members of his family, it refers to them as a ‘soul’ in the singular. Since Esav served many gods, his family is referred to as many souls. Yaakov serves one God, and thus all who were with him were one soul⁸.” (**Midrash Vayikra Rabbah 4:6**)*

⁴ See Metzudas Tzion to Divrei Hayamim 2 21:20 s.v. nidchaf

⁵ see Yeshaya 42:3

⁶ Bereshis 36:6

⁷ Shemos 1:5

⁸ See also the comments of *Maharam Sofer* here, where he explains that the Jews were united as one soul, and the verse after speaking of the seventy people in the singular, as one soul, concludes “and Yosef was in Egypt,” for he was the glue that bound them together. R. Yonason Shteiff cites this (*Mahari Shteiff al Hatorah*, Parshas Shemos p. 65, *amaros* 11) and then explains that we are united because we all serve the very same God. Yosef, who through poverty and wealth, from the lowest lows of prison to the highest heights of nobility, taught us how to properly serve Hashem as the one constant in life. He then cites this Midrash that we deal with in this essay, to cement this idea.

Peace is an ideal that has eluded mankind for the most part. People of different ideals have battled, and continue to, and sometimes it seems like there is no hope of mankind living in harmony. An idolater came to missionize to Rabbi Yehoshua ben Korcha; after all, if the Jews would just be like everyone else would that not bring harmony to the world? Why must we be different, and celebrate our own holidays, eat our own food, and marry our own kind? Wouldn't things be simpler if we were all the same? Rabbi Yehoshua pointed the man to his own family, who could not get along at all. They shared no common purpose. They joined together because they were related to one another by blood – and family obligation brought them to the table to break bread together. They did not sit down with shared vision, and common purpose. And so they fought, and beat one another. Each one was nothing more and nothing less than an obstacle in the way of the other. There was no bringing them together. The Rabbi explained to his students; only one thing can turn a group of people into one. A belief in monotheism, universal truth; that we all live in the same world, with right and wrong defined by the same Infinite source of Truth. If things are subjective, then even should we sit at the same table we can never share anything truly. Yaakov's family was unified for they, all seventy of them, believed in one God and shared a common mission.

When we are all working toward the same goals, we are all brought together. We can all root for one another. We yearn for the day when the Messiah comes. We are told that the lion will lay with the lamb, and that there will be no war between nations. We are also told that the world will be filled with the knowledge of God as water fills the seas. These are not two independently nice things. They are one and the same. When we truly share values we are brought together, but when we each develop our own systems and ideals, we are always farther apart.

Though there are far more people who are fighting with one another in the world, we can not follow the majority. For they are all individuals, not comprising a majority in any way. There is never more than one person on any team. It is only when we are connected to the truth that our connection to one another can have any meaning at all. Surely, following the majority is the right path. One must connect with his community, his people and his neighbors. But that can only begin when he has a real understanding of how the world

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works. Without that, there can be no unity. “You are to love 'truth' and 'peace'”, instructed the prophet⁹. Truth, and peace. In that order. It is the only way.

⁹ Zecharia 8:19