



פרשת משפטים

Many Mefarshim question the start of Parshas משפטים, wondering why the list of laws begins with the Dinim of עבד עברי, a Jew that ends up serving another Jew. We continue to wonder as the Torah describes an עבד who wishes to remain an עבד, in a manner that appears to be disapproving. He is taken to a doorpost where his master would bore a hole in his ear. A basic reason for this is that Hakadosh Baruch Hu does not want any Yid to lord over another Yid which would significantly reduce the Eved's בחירה, to behave in the way of his own choosing. That element of בחירה, which is the basis for any שכר ועונש, is confined and obstructed by another human being's בחירה. So when the Eved wishes to continue that diminished level of existence, the Torah "punishes" him. Many of us know the Gemara in Kedushin (22b) that explains why the hole is bored in the ear - אחון ששמעה קולי על הר - סיני בשעה שאמרתי כי לי בני ישראל עבדים ולא עבדים לעבדים והלך ירצע - you must not have been paying attention at Sinai when you heard My voice say "you are My servants" - exclusively and not to other servants - and you went and acquired a new master. The Gemara quotes a Pasuk - כי לי בני ישראל עבדים that we never heard at Sinai. The Pasuk is at the end of Parshas Behar (25:55) and is referring to a Yid that sold to a Goy - certainly restricting his בחירה in the worst way. We never heard the שמעה קולי at Sinai, so why would the Eved be faulted? We should also note and ask how that can be an indictment to an Eved that never WAS AT SINAI, but lived later in the time of the Bais Hamikdash, who could NEVER have heard the קול ה' at Sinai? Perhaps this is why Rashi quotes the Gemara differently and says, אחון ששמעה על הר סיני וכו' meaning it was not the actual Voice of Hashem, but to HEAR - in Yiddish צו דערהערין - to UNDERSTAND, TO BE ABLE TO READ

IN BETWEEN THE LINES. What was HAR SINAI all about? It was about SERVING HASHEM and NO ONE ELSE; not Mitzrayim, not their g-d's, not anyone else's g-d's, not even another human being. Reading about Sinai, hearing about Sinai will also convey that message, and therefore we can fault any Eved. Reading אשר הוצאתיך מארץ מצרים, אנוכי ה' אלוקיך, we should be able to recognize and understand כי לי בני ישראל עבדים and what that entails.

We all go through life learning things that we just do not understand. After we have tried a number of times - probably not enough - we give up. Healthy people can go through life knowing that there are some things that they cannot get. One of those things in my life (it does have a lot of company) is a Rabeinu Yonah in Shaarei Teshuvah (2:12). The second Shaar discusses catalysts to enable man to do Teshuvah. His third one is to hear words of Mussar - והמוכיחים - and to accept them. He then goes on to applaud and to elevate the power of hearing. His translation of a Pasuk in Mishlei (15:30) שמועה טובה תדשן לב, מאור עינים ישמח לב, is that Shlomo Hamelech is teaching a Chidush. Sight, the vision of beautiful scenes, can bring joy to your heart, but hearing is GREATER because it fattens (improves) even the coldest, passionless bones. כי האזון, the ear is the most important of all the other body parts. His basis is a Gemara (Bava Kamma ??) discussing the payments for damaging someone else's Eved, which states that for blinding an Eved you pay דמי עינו for the eye, while if you make the Eved deaf - נותן לו דמי כולו - you pay for the ENTIRE VALUE OF THE EVED. I never got it! I would have thought that blinding a man is catastrophic beyond words, while a deaf man is certainly handicapped but





can still be functional for the most part. Let us “see” what I discovered this year – an insightful “Derherr” in the Rabeinu Yonah.

There is a Gemara (Berachos 34b) that Rav Chanina Ben Dosa came to learn by Rav Yochanan Ben Zakai, whose son got sick – רחמנא ליצלין. Rav Yochanon asked Rav Chanina to Daven for his son – which he did, and the child was healed. Rav Yochanan commented that my Tefilos would not have worked as well as Rav Chanina’s. The Rebetzin of Rav Yochanan asked him, does that mean Rav Chanina is bigger, greater than you? His enigmatic answer was: No, it is just that I am like a שר, an officer before the King and he is like an עבד, a servant. Mefarshim wonder wouldn’t think that an officer, a member of the inner circle would have more clout, more “Protectzia” than the cleaning crew? There is a classic rule, phrased by Chazal as the מידה you use כך מודדין לו, so too from heaven they deal with you with the same measure. Others explain it, based on Kabbalah, ה' צלך, Hashem is your shadow and He mimics every move of yours. The method to get Hashem to listen to our Tefilos is if we listen to others when they pour their hearts out to us. That works! The difference between a שר and an עבד is that the officer commands, gives out orders for others to do, while the עבד LISTENS to the commands, hears the instructions and does them. Rav Chanina came to HEAR the words of Rav Yochanon - it was תורה שבעל פה - HE LISTENED, so Hashem listened to him.

This idea about שמיעה can essentially be found in a Pasuk in Mishlei (28:9), מסיר אזנו משמע תורה גם תפלתו, תועבה, one who turns aside his ear from hearing Torah, his prayer will be considered an abomination. Explains the Metzudos, if you don’t want to hear the words spoken by someone else, Hashem responds in kind and

does not consider the words you speak. The Alshich is even more unyielding. He sees in the Pasuk that EVEN someone who is not listening because he has already learned the topic, Hashem’s response is I have also heard the same Tefilos many times before. I have said in Shul: If you walk out for the Rabbi’s Derasha (or חלילה during Laining Hashem’s Torah even for the Kiddush club), then your מוסף is useless. The problem is that the ones who needed to hear it were already outside.

What emerges from this is an understanding of Rabeinun Yona. Certainly in assessing the casualty that befell the man, our knee-jerk reaction is accurate – blind is worse than deaf. It is a horrible devastation to the man. But we must reassign another standard when assessing AN EVED, whose task is to listen and follow instructions – A DEAF EVED IS “OIS EVED”, and therefore the damage done to him is total – נותן לו דמי כולו.

Our lesson should be that ALL OF US were sent down to be עבדי ה', to serve with love and devotion, so that we know what to do and how to read between the lines. To hear words of תוכחה that remind us of our חובתו so that we can be מקדש שם שמים and bring our Galus to an end. Our Tefilos should ring with the call that the Galus - Eved does not like the master of our Galus, and this Eved wants his freedom, wants his own בחירה. We have languished enough and don’t want to stay in the Galus any longer. We want to go back home.

וקראתם דרור בארץ...תשבו איש אל אחוזתו (ויקרא כה:ט')

Among those who are מצפים לישועה

אמני דאנפיה
חיים טובים ושלום

