



Parashat Mishpatim - #269

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On the Haftarah... Brotherhood

[Ashkenazim/Sefaradim: Yirmiyahu 34:8-22, 33:25-26
Yemenite Jews: Yirmiyahu 34:8-35:19]

"The word which came to Yirmiyahu from Hashem, after King Tzidkiyahu had made a covenant with all the people in Jerusalem to proclaim freedom for the slaves. Everyone was to free his Hebrew slaves, both male and female. No one was to enslave a Jew, his brother" (Yirmiyahu 34:8-9). After our initial amazement at this declaration of justice and social equality, we may realize that Yirmiyahu's initiative seems to be ill-timed. The Nation of Israel was in the middle of a war with the powerful King Nebuchadnezzar. Wasn't it more important to focus all of their energies on the war than to deal with social reforms? Isn't this something that could wait until later? This danger is even mentioned by the prophet himself: "While Nebuchadnezzar, King of Babylonia, and all his army and all the kingdoms and peoples in the empire he ruled were waging war against Jerusalem and all its surrounding towns, this word came to Yirmiyahu from Hashem, saying" (ibid. v. 1). This battle seemed lost from the outset: "This is what Hashem says: I am giving this city over to the King of Babylonia, and he will burn it down" (ibid. v. 2). It is therefore most surprising that Yirmiyahu is involving himself in other matters. He doesn't seem to grasp the severity of the situation, and is busy with 'socialism action' at a time when the homeland is in danger.

In order to answer this question, we must first understand that one does not need a prophet to analyze political and military problems from a strategic point of view. The role of the prophet is to explain the current situation from an ethical standpoint. If the Kingdom of Israel is crumbling, it is not because of the military superiority of the enemy, but on account of our own ethical failings.

Although it is true that according to the Torah servitude of our Jewish brothers is legal, it is also limited. It is generally used as a means of reeducation or deterrence, such as in a case of theft. Through his period of "employment" the thief can provide restitution to the victim when he lacks other means of doing so. The servitude will last until he repays all of the money he has stolen, but it is still limited to six years. In the seventh year, all of the servants go free. Forcing the guilty person to work hard during the designated time is considered the best method of teaching him to respect the possessions of others. After serving his sentence, despite the severity of his transgression, the thief goes free, since this is his legitimate right.

In contrast to the punishment described in the book "Les Misérables" where the protagonist is sentenced to forced labor for life because he stole a piece of bread, the punishment described in the Torah is immeasurably more humane and allows the transgressor to repent and be socially resurrected.

This is what Yirmiyahu reminds the Nation of Israel: "This is what Hashem, the G-d of Israel, says: I made a covenant with your forefathers on the day I brought them out of Egypt, out of the land of slavery, saying: At the end of seven years you must free any fellow Hebrew who has been sold to you, after he has served you six years, you must let him go free" (ibid. 13-14).

Freedom is the dearest of human possessions. It is forbidden to steal it from another person. Every morning upon waking, a Jew blesses Hashem: "Who has not made me a slave." If Hashem freed us from Egyptian slavery, it is certainly not in order for us to return to being slaves to one another. It is natural and logical to be servants to Hashem. He is the King of the Universe and of all humanity, "For the Children of Israel belong to me as servants. They are my servants, whom I brought out of Egypt" (Vayikra 25:55), therefore, as our Sages have taught, "They are my servants and not servants to servants" (Baba Metzia 10a).

Servitude to Hashem does not impinge upon our freedom since the Master of the Universe is more us than we are ourselves, and through self-nullification to Hashem we meet our true selves. In this way, we are similar to a seedling rooted in the ground, and a baby in his mother's arms. This is the greatest freedom. The Torah is therefore clearly against the servitude of a Jew. It undercuts the unique image of G-d implanted in each of us. Servitude is only legitimate according to the Torah if it is temporary, since in this way it does not collide with our human nature. But if the temporary turns permanent, and becomes second nature, it destroys the Divine standing of humanity.

The concepts of independence and self are very close. In order to be oneself, there is a need to be independent. After the Divine revelation on Mt. Sinai, the Torah presents

detailed laws in our parashah, Parashat Mishpatim, beginning with the matter of freeing slaves.

The absolute demand of Hashem, through Yirmiyahu, to free all of the slaves is also designed to solve all of our political and military problems. If we are not an ethical Nation, we lose our right of existence as a Nation. The Kingdom of Israel is far from a regular state; it is not simply for the benefit of man (see Orot 160, #7). It is not Jean-Jacques Rousseau's "The Social Contract" or Thomas Hobbes' "Leviathan." We are required to be "A Kingdom of priests and a Holy Nation" (Shemot 19:6).

Ethics need to be elevated to the national level and not limited, as in the other nations, to a good individual trait. Good character traits must be integrated into the community, the Nation of Israel. This is what Hashem promised Avraham Avinu: "I will make you a great Nation" (Bereshit 12:2). The greatness of the Nation of Israel is not measured quantitatively but qualitatively, and we lose our legitimacy of existence when we betray our ethical mission.

This is the reason - explains the prophet – that Nebuchadnezzar is defeating the Nation, bringing its destruction and its exile. It is not because Nebuchadnezzar and his culture were more ethical but rather because the Nation of Israel was failing in its ethics. The ethical explanation of the events does not contradict the circumstantial explanation, since ethics are the soul of circumstances (Orot, Yisrael U-Techiyato 2). The prophet analyzes the historical events with the help of x-ray vision, and reveals what truly lies behind the events.

How did the Nation respond to this call? "All of the princes and the entire Nation who entered into this covenant agreed that they would free their male and female slaves and not to enslave them again. They listened, and set them free" (Yirmiyahu 34:10). As a result of the community obeying, Nebuchadnezzar lifted the siege, for a reason which is beyond rational explanation. Our threatening enemy and its army suddenly and miraculously disappeared.

To our distress, however, the evil was still deeply implanted within the Nation of Israel. "But they returned and took back the male and female slaves they had freed and enslaved them again" (ibid. v. 11). This is what happens when repentance is superficial and imposed from the outside. That repentance quickly dims and allows corruption to burst forth again. The Nation's kindness had changed, to our distress, back to selfishness, and this ethical backsliding led to "I command, says Hashem, that I will bring them back to this city, they will wage war against it, capture it and burn it down. And I will lay waste the cities of Yehudah, without inhabitants" (ibid. v. 22).

But history finally put an end to our exile, and we are returning to our Land. Jerusalem is being rebuilt, reunited, and the cities of Yehudah are no longer destroyed. It is possible to account for this return to Zion with all types of rational

explanations based on historical mechanisms, but the true reason for this occurrence, above all others, is our return to brotherhood within the Nation. Despite our internal struggles, which are in fact quite limited, our Nation has reunited. Our current existence in the Land connects us.

Unity, which is the foundation of Zionism and building of the Land, is what has allowed us to be victorious in all of our wars. We must therefore carefully and with great self-sacrifice guard our most treasured possessions: love and brotherhood.

Rav Aviner on... Conversion in Our Day

[Be-Ahavah U-Be-Emunah – Beshalach 5773 – translated by R. Blumberg]

Question: How should we conduct ourselves as far as conversions? Hundreds of thousands of people come to live in Israel who are non-Jews. That is a serious problem!

Answer: We should conduct ourselves with conversion today in the same way we have done through the generations. We have always had difficulties in this realm, but we have withstood them. The Torah is eternal, and Jewish law does not change. We must not adapt Jewish law to reality. Rather, we must struggle to adapt the reality to Jewish law, especially as far as conversion, which is no small detail in the Torah, but a major tenet, since it determines who is a Jew.

A major precondition to conversion is accepting the foundations of faith, and undertaking Jewish practice (Yevamot 47a. Bechorot 30b. Rambam, Hilchot Issurei Biah 14 and 12:17. Shulchan Aruch Yoreh Deah 268:3). We must believe and fulfill!

Obviously, we know in advance that nobody is perfect. Everyone commits sins at one time or another, but to convert to Judaism, one must accept Jewish law. One must want it and he must be in love with it. One must want to be a "righteous convert", and to be included in the category of "righteous converts" who receive a blessing in the 13th Blessing of the Shemoneh Esreh.

Without undertaking Mitzvot, there can be no conversion. True, there are responsa of the great halachic luminaries of Israel that state that sometimes, after the fact, in cases where an individual does not fulfill all of the Mitzvot following his conversion, his conversion remains valid, and there are many opinions about this, and many details (for example Responsa Achiezer 3:26). Yet all that is after the fact. All that involves isolated cases that are out of the ordinary.

When it comes to how things have to be ideally, one cannot bring in hundreds of thousands of converts wholesale. That would mean the destruction of the Jewish people. Of such it says, "Converts are as hard for Israel as psoriasis" (Yevamot 47b). In other words, they are an external entity that clings to our nation. The Rabbis likewise said, "Evil after evil shall befall those who accept converts" (ibid. 109b), i.e., when they revert to their non-Jewish practices in a time of crisis (Gittin 45b). And this is all the more applicable when we know in advance that they will not be observing the Mitzvot. We already know what happened to the mixed multitude that came up out of Egypt with us (Shemot 12:38).

Thanks to our having been steadfast down through the generations, under all conditions, the Jewish people exists now. There are even many DNA studies that prove that we remained ourselves, and that there were no mass conversions. Conversion is a matter for an individual who truly wishes with all his heart to join the Jewish People. Examples of this include Rut, whose enormous efforts are recorded by Scripture as well as Na'ama and Moshe's wife Tziporah.

As is well-known, we are not missionaries. We do not go around converting all the righteous people of the nations. When we convert somebody who is not going to be fulfilling Mitzvot, we are doing him no favor. Beforehand, he was exempt from Mitzvot and he had a heavenly portion. Now, he is a Jew who is obligated in Mitzvot, and if he does not fulfill them, he has no heavenly portion, as Maran Ha-Rav Avraham Yitzchak Ha-CohIn Kook writes in his responsa Da'at Kohen.

Indeed, Rav Kook emphasizes there the need for undertaking the Mitzvot. He adds that it is not clear whether in our day it is at all possible to convert except as emissaries of the early Sages who had "Semichah" ordination going back to the first man who bestowed it, Moshe, such that we are just "doing the bidding" of those Sages. And who says that we have the authority to convert without Mitzvah acceptance?

To convert the masses without mitzvah acceptance is out of the question. It is true that Ha-Gaon Ha-Rav Uziel said that we must draw near someone whose father is Jewish but his mother is a non-Jew, and we must ignore the fact that he's not going to be fulfilling all of the Mitzvot (Responsa Piskei Uziel "Bish'elot Hazman" 65). He did not say, however, that acceptance of the Mitzvot can be done away with.

Certainly we need acceptance of faith and acceptance of Mitzvot. It is true that we have a difficult problem in our country, and it is true that there is a lot of pressure, but Torah rulings are not made under pressure, but according to the divine truth, according to the word of G-d.

Whoever learns our history will see that we have had many problems, and thank G-d, we overcame them. Now, as well, we shall overcome them.

Secular Jews shall not be the ones to determine who is a Jew, and neither shall traditional Jews, Reform Jews or Conservative Jews, and neither will "the state of all its citizens". Only G-d will decide.

Conversion means "becoming like all the other Jews of good standing" (Rambam, Hilchot Mechusarei Kaparah 1:2).

Shut She'eilat Shlomo - Questions of Jewish Law

Halachot of Visiting Museum

Cohanim entering a Museum that has a Mummy

Q: Is it permissible for a Cohain to enter a Natural History museum that has a mummy?

A: There is a dispute if a non-Jewish corpse spreads impurity in an enclosed area (Tumat Ha-Ohel), and it is permissible to be lenient (Shulchan Aruch and Rama, Yoreh Deah 372:2. And we have heard in the name of Ha-Rav Moshe Feinstein that he permitted it, but he warned against a Cohain touching a mummy). And there are those who are strict (Taharat Ha-Cohanim Ke-Halachah 5:6).

Cohanim in Yad Vashem

Q: Is it permissible for Cohanim to enter Yad Vashem, since there are ashes of victims there?

A: Ashes do not impart impurity (Shut Be-Mareh Ha-Bazek 5:105. See Shut Chelkat Yaakov Yoreh Deah #217).

Special thank you to Orly Tzion for editing the Ateret Yerushalayim Parashah Sheet