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DAF KESHER

SHAPPELL'S / YESHIVA DARCHE NOAM · MIDRESHET RACHEL V'CHAYA · JACK E. GINDI Z" L PATHWAYS ISRAEL & PATHWAYS PLUS

We mourn the tragic death of Harav Itamar Ben-Gal, הי"ד, murdered in a terrorist attack this week.
This Daf Keshet is dedicated In memory of Ruth Fien, z"l.

DVAR TORAH WE WILL LISTEN AND WE WILL DO

The Torah, in Parshat Mishpatim, reports the People of Israel's enthusiastic acceptance of Hashem's Torah when they said the words "נעשה ונשמע" – We will do and we will listen" (Shemot 24:7). They first said "נעשה," that they would live according to the Torah – whatever Hashem will command – and only then "נשמע" that they would listen to what it is He wants them to do. Their response, "נעשה ונשמע," is praised and treasured by Hashem. Because of that expression, Israel is likened to a "תפוח בעצי היער" – an apple tree among the trees of the forest" (Shir Hashirim 2:3), says Rabbi Chama son of Rabbi Chanina (Shabbat 88a). Just as the apple's fruit bud precedes its leaves, so Israel said "we will do" prior to "we will listen." When Israel said "נעשה ונשמע," angels descended from Heaven and placed two crowns on each of the Jews' heads (Rabbi Simai, quoted on Shabbat 88a).

It is therefore surprising that in Parshat Vaetchanan, when the Giving of the Torah is recapped by Moshe, Israel is quoted as saying "וְשָׁמְעוּ וְעָשׂוּ" – we will hear and do" (Devarim 5:24). They first said "we will listen" and only then "we will do." This is the opposite of "נעשה ונשמע" of Parshat Mishpatim.

Harav Moshe Sofer, זצ"ל (Pressburg, 1762–1839), addresses this discrepancy in part of a long essay printed at the beginning of the Yoreh De'ah volume of his Responsa Chatam Sofer. He suggests that the verse in Mishpatim refers to the **Written Torah** and the verse in Vaetchanan refers to the **Oral Torah**. The entire verse in Parshat Mishpatim reads: "וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כָּל אֲשֶׁר דִּבֶּר ה' נַעֲשֶׂה וְנִשְׁמָע" – [Moshe] took the Book of the Covenant and read it in the ears of the Nation, and they said, 'Everything Hashem said we will do and listen'" (Shemot 24:7). Rashi explains that the Book of the Covenant refers to the Written Torah from the beginning of Bereishit until and including the Aseret Hadibrot (Ten Statements). But the verse in Vaetchanan, where Israel said, "קָרַב אֵתָּה וְשָׁמַע אֶת כָּל אֲשֶׁר יֹאמַר ה' אֱלֹהֵינוּ וְאֵת תְּדַבֵּר אֵלֵינוּ אֵת כָּל אֲשֶׁר יְדַבֵּר ה' אֱלֹהֵינוּ אֲלֵיךָ וְנִשְׁמָעוּ" – Approach, you (Moshe) and listen all that Hashem our G-d will say and you tell us all that Hashem our G-d has spoken to you and we will listen and do" (Devarim 5:24), refers to the Oral Torah.

This, he says, supports the approach of the Tosafot (Daat Zekenim Mibaalei Hatosafot on Shemot 19:17). Why, they ask, does the Gemara (Shabbat 88a) say that Israel reluctantly accepted the Torah in the Desert because Hashem held Mount Sinai over their heads and forced them, and that they only accepted the Torah willingly in the days of Achashveirosh? Don't we see that the People of Israel at Mount Sinai said, enthusiastically, "נעשה ונשמע"? 'We will do whatever You want. Just tell us; we'll listen; then we'll do it.' The Tosafot answer that Israel accepted the Written Torah willingly, but needed to be forced into accepting the Oral Torah. They accepted it, but not with the eager willingness of "נעשה ונשמע," but (as the author of the Chatam Sofer points out) with the hesitancy of "וְשָׁמְעוּ וְעָשׂוּ." 'First we'll listen to what You command, evaluate it, then, probably, act on it.'

We re-accepted the Oral Torah, according to Tosafot, during the generation of Achashveirosh. A large component of the Purim miracle was the People of Israel's emunat chachamim, trusting in the wise leadership of Mordechai and Esther. After the Purim story the Jewish People experienced a renaissance of the Oral Torah through the Anshei Kneset Hagedolah and it flowered through the Second Temple Period. On Purim, according to the Chatam Sofer (and Tosafot) we celebrate our willing and enthusiastic acceptance of the Oral Torah.

SOURCE GUIDE: SHABBAT IS FOR TORAH

One phrase near the end of Parshat Mishpatim seems totally superfluous. Hashem says, “Everything I commanded you – you should keep.” What is added by this verse is the subject of a many-sided dispute among the commentators. This source guide builds on the Netziv’s explanation of that verse.

A. Keep Everything I Said to You

The following two verses come immediately after the command about Shemittah, and they are followed by verses about the Shalosh Regalim, the Three Pilgrimage Festivals:

<p>1. Shemot 23:13 (12) Six days you should do your work and on the seventh you should rest, in order that your ox and donkey can rest, and the son of your maidservant and your stranger can be refreshed. (13) And concerning all that I have said to you – you should keep. And the name of other gods you should not mention; they should not be heard on your mouth.</p>	<p>שמות כג:יג (יב) שֵׁשֶׁת יָמִים תַּעֲשֶׂה מְעֹשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת לְמַעַן יָנוּחַ שׁוֹרְךָ וַחֲמֹרְךָ וַיִּנָּפֵשׂ בֶּן אֲמָתֶךָ וְהַגֵּר. (יג) וּבְכָל אֲשֶׁר אָמַרְתִּי אֵלֵיכֶם תִּשְׁמְרוּ וְשֵׁם אֱלֹהִים אֲחֵרִים לֹא תִזְכְּרוּ לֹא יִשְׁמַע עַל פִּיךָ.</p>
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In the beginning of Verse 13 Hashem seems to just say, “Keep all that I told you.” What does that verse add? Don’t the Divine commands themselves make it clear that Hashem wants Israel to keep them?

Commentators take a variety of positions:

Rashi quotes the Mechilta, and says that this verse adds a negative (“keep” is equivalent to “don’t go against the mitzvah”) component to each of the positive mitzvot. **Rashbam** and **Chizkuni** say that this verse refers to all that Hashem said from the beginning of the Aseret Hadibrot (Ten Statements said at Mount Sinai) until the end of Mishpatim. **Ibn Ezra** and the **Ramban** read the beginning of the verse in light of the end of the verse that focuses on idolatry. But the **Netziv** (Harav Naftali Tzvi Yehudah Berlin, זצ”ל, 1816-1893) takes a different direction and reads this verse in light of the **previous** one, about Shabbat:

<p>2. Haamek Davar on Shemot 23:13 “And concerning all that I have said to you – you should keep” – The juxtaposition of the verses teaches us that this verse is dealing with Shabbat.</p>	<p>העמק דבר על שמות כג:יג “ובכל אשר אמרתי אליכם תשמרו” – סמיכות המקראות מלמדנו דבשבת קאי.</p>
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Beit Shamai (on Shabbat 18a), in this vein, sees this verse as the source of the halachah of שביית כלים – not only must we rest from the 39 types of forbidden work on Shabbat, but so must our vessels. For instance, according to Beit Shamai, it is prohibited for the process of dying to **continue** within the dying vat during Shabbat, even though fabric was placed there **before** Shabbat. But how would Beit Hillel read this verse?

<p>3. Haamek Davar on Shemot 23:13 From this verse Beit Shamai derived the prohibition against work done in vessels, as it says on Shabbat 18a. Based on that he explains the verse as follows: “Concerning all” – anything you do work with – “that I have said to you” – referring to the previous verse, “and the son of your maidservant and your stranger can be refreshed” – “you should keep” – that positive mitzvah about the son of a maidservant and the stranger (Shabbat) applies to everything (even vessels). All this is according to Beit Shamai. But according to us (who follow Beit Hillel), it can be explained as follows: Since today, Shabbat, is a day of rest it is a mitzvah on all of Israel to be involved in Torah so he can be careful about keeping the Torah during the following week. This is in line with what the Shulchan Aruch writes (Orach Chaim 290) that one who works</p>	<p>העמק דבר על שמות כג:יג ומוזה למדו ב”ש שביית כלים כדאי בשבת די”ח. וא”כ מפרשי הכי: “ובכל” – היינו בכל דבר שעושים בו מלאכה – “אשר אמרתי אליכם” לקמי, היינו, “וינפש בן אמתך והגר” “תשמרו.” אותו עשה דבן אמתך והגר קאי בכל ... כ”ז לב”ש. אבל לדידן יש לפרש באשר היום יום מנוחה מצוה לכל אדם מישראל לעסוק בתורה כדי שיהא נזהר בכל השבוע שאחריו. וכ”ה בש”ע או”ח סי’ ר”צ דבשבת יש לבעה”ב לעסוק בתורה ע”ש.</p>
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during the week should dedicate Shabbat to Torah study.

B. Shabbat and Torah

The following Midrash supports the Netziv's approach – Shabbat should be dedicated to Torah:

4. Tanna d'Veil Eliahu Rabbah Chapter 1

Said the Holy One, blessed be He, to Israel: "Did I not write for you in My Torah, 'This Book of the Torah should not leave your mouth' (Yehoshua 1:8)? Even though you work all six days, you should make Shabbat totally [devoted to] Torah." Based on this they said: A person should get up early and learn on Shabbat. He should go to the Beit Hakneset and to the Beit Hamidrash, and read from the Torah and learn from the Prophets, then go home and eat and drink – to fulfill what it says, "Go eat with joy your bread and drink with a good heart your wine" (Kohelet 9:7).

תנא דבי אליהו רבה פרק א
אמר להם הקב"ה לישראל: "לא כתבתי לכם בתורתי 'לא ימוש ספר התורה הזו מפיו' (יהושע א:ח)? אע"פ שאתם עושים מלאכה כל ששה ימים שבת יעשה כולו תורה."
מכאן אמרו: ישכים אדם וישנה בשבת. וילך לבית הכנסת ולבית המדרש, ויקרא בתורה וישנה בנביאים ואח"כ ילך לביתו ויאכל וישתה, לקיים מה שנאמר "לך אכול בשמחה לחמך ושתה בלב טוב יינך" (קהלת ט:ט).

There is an additional component to the special focus on Torah during Shabbat. The Torah, says the following passage in the Gemara, was given on Shabbat:

5. Shabbat 86b

But all agree that the Torah was given to Israel on Shabbat. It says here, "Remember the Shabbat day to make it holy" (Shemot 20:8), and it says elsewhere (on the day of the Exodus), "Moshe said to the nation, 'Remember this day [that you left Egypt]'" (Shemot 13:3). Just like in that verse [the word זכור refers to the day it was said, so also here it refers to the day it was said.

שבת פו:
ודכולי עלמא בשבת ניתנה תורה לישראל. כתיב הכא "זכור את יום השבת לקדשו" (שמות כ:ח), וכתיב התם "ויאמר משה אל העם זכור את היום הזה" (שמות יג:ג) – מה להלן בעצומו של יום אף כאן בעצומו של יום.

Every Shabbat is therefore a celebration of the Giving of the Torah, that took place on Shabbat.

C. The Alms Collector from Back Home

The Dubno Maggid, (Rabbi Yaakov Krantz, זצ"ל, 1740-1804) encouraged people not to get their priorities mixed up on Shabbat. Hashem commanded us to enjoy Shabbat (עונג שבת), and, of course, not to work, in order that we would be free to focus on Torah during Shabbat. But eating, drinking, and sleeping sometimes grab a larger share of our time on Shabbat than they probably should. He illustrated this with a parable:

6. Mishlei Yaakov Parshat Vayakhel

A man traveled far away from his home and family seeking his fortune, and relocated in a distant country. Though far away from home, he always kept his eyes open for guests from his home town, people he could ask about his family's welfare. However, for a long time he didn't meet anyone from home. After a while a poor person came to town and was making the rounds, collecting alms. When the poor person came to his home, the wealthy man recognized that he was a "lantzman," a native of his home town. He was overjoyed to see the poor person and looked forward to conversing with him so he could ask him about all of the members of his extended family back home. But the poor person objected: "Don't hold me back," he said. "I came to do my work and collect alms. I don't have time for long conversations. Don't cause me to lose money." The other man, fairly well to do, asked the poor person, "How much did you expect to collect in this city?" "The worth of 3 or 4 gold coins," he replied. "Here, I'll give you the total amount," said the man, and placed the total amount in the poor person's hands. However, whenever they got to talking about the people of his town, the poor person started falling asleep. Said the wealthy man: "The whole reason I gave you the money was so that you would tell me about the welfare of my family back home. Please don't fall asleep."

Our souls come from Heaven on high and have travelled to a distant place, our world. The soul is eager to find out about its "home town," spirituality, Torah. During the six days of the week there is less time available for

those conversations. But Hashem gives us, up front, the money we would have needed to earn on Shabbat so we can spend that day focused on Torah. But we have to make sure we don't lose track of the real focus of Shabbat – to enable our neshamah to hear about its family on high through focusing on Torah.

DISPLACEMENT BY RABBI AVRAHAM FISCHER

In the classic Israeli film "Sallah Shabati," a family of new immigrants encounters many difficulties – lack of housing and work, and, above all, knowledge of how the system works. Repeatedly, their ignorance is exploited by the veterans. Sallah's son asks, "Why do people take advantage of us?" Warily, Sallah answers, "Because we are new. But someday we'll be old-timers and a newcomer will bring his shoes into my shop for repairs, and I'll tell him, 'No! You have to keep your broken shoes. I was new once and nobody helped me.'" He concludes, "Just you wait my son. We'll fix the newcomers just like they fixed us."

Eventually, with tenacity and Hashem's help, as well as with the help of people who do sympathize with their situation, they find their place in Israel.

The Torah begins the basic laws of a civilized society, the "mishpatim," with the Hebrew slave, the eved Ivri. Rashi explains that this is a thief who has been sold by the court in order to repay his debt.

But why begin the mishpatim with the eved Ivri? The sufferings of the Israelite slaves are still fresh in their memories. The last thing on their minds – so we would think – is the possibility that they may one day enslave each other.

But this is not so. After generations of oppression, they might direct their accumulated aggression against their own servants.

This is called displacement, such as when a child is taunted by another bigger and stronger child. Since he is unable to retaliate against his tormenter, he hits a child smaller than himself.

The author of the Kli Yakar (Harav Shlomo Efraim of Luntschitz, זצ"ל, 1550-1619, in his comments on Shemot 21:2) says that the mitzvah of the eved Ivri teaches us compassion. "You too were slaves and your slavery was also the result of an act of theft, the kidnapping of Yosef from his home. Since Hashem had compassion for you, you must redeem your fellow Jew. The author of the Sefer Hachinuch (Mitzvah 42) adds: The true test of kindness is precisely in one's relations with those who are powerless to protect themselves.

We utilize our national memory of servitude to teach us compassion for others. As it says, "And you know the soul of the stranger because you were strangers in the Land of Egypt" (Shemot 23:9).

Everyone knows what it is like to be hurt, disappointed, or exploited by others. When the tables are turned, the way of the Torah is to rise above our natural impulses and to sympathize with the soul of the stranger.

שבת שלום ומבורך

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The following digital Torah resources have been extremely helpful in researching and preparing the Shapell's Daf Keshet: DBS – Hataklitor Hatorani, Otzar Hachochmah, the Bar Ilan Responsa Project, Hebrewbooks.org, and the Tanach section of Chabad.org.

We continue to pray for a refuah shleimah, a complete healing, for all those wounded in the attacks against our People.