

God can only command us to slay the witch, since she has no ability to defend herself from other mortals. Had she any real power, why would God endanger us with His command to kill her?



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## Weekly Parsha

# Mishpatim

RABBI BERNIE FOX

## The Importance of Civil Law in the Torah

*And these are the laws that you should place before them. (Shemot 21:1)*

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## Weekly Parsha

# Witches & Reality

RABBI MOSHE BEN-CHAIM

Imagine yourself in front of the one teacher you most respect. He commences to tell you that he is about to share a vital idea with you. He pauses...

Stop! What are feeling at that point? You are expecting to hear something quite fundamental and inspirational. You have no doubt about the truth that will be contained in his words. You have been conditioned to expect this, given his reputation, the masses that follow him, and the volumes he has written.

He then starts talking...he says " $2+2=5$ ". You are confused at first. You might even think for a second...but you eventually shed the awe, and recognize that despite all he was correct about until now, he cannot possibly be correct with his equation.

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(Mishpatim cont. from pg. 1)

## Weekly Parsha

# JewishTimes

Weekly Journal on Jewish Thought



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This pasuk introduces Parshat Mishpatim. The laws, outlined in this parasha, regulate civil matters. These ordinances include regulations that govern responsibility and payment for damages, usury, and the rights of servants.

In the pasuk quoted above, Rashi comments that the word "and" indicates a connection between these laws, ordinances and regulations and those described in the previous parasha. The legal material in the earlier section governs issues of theology and ritual. The "and" indicates that just as the previous material was revealed at Sinai, so too is civil law derived from this same source. Rashi adds that the final section of the previous parasha – Parshat Yitro – discusses the design of the altar. The civil laws of Parshat Mishpatim are intentionally juxtaposed to this section. This relationship is the basis for housing the High Court adjacent to the Temple.[1]

Rashi's comments are intended to emphasize one of the unique aspects of the Torah. Religion, by definition, includes a theology and a set of rituals that embody the religion's concept of worship. However, it is often assumed that religion does not have a role in regulating behavior to one's fellow human-beings. Although it may be granted that religion should include some broad principles that urge moral conduct, it is not assumed that religion should include a specific legal framework that regulates commerce and interpersonal relationships. In this common conception of religion, service to G-d is divorced from an emphasis on the duty to behave ethically. In contrast, the Torah, teaches that moral conduct is integral to religious life. Devotion to Hashem must guide our interactions and conduct in every aspect of our lives.

This concept is explicitly taught in the Talmud. In Tractate Baba Kamma, our Sages teach that one who wishes to be righteous should be conscientious in the observance of these civil laws.[2] Torah observance cannot be limited to the synagogue—or even the home. It must guide all facets of our lives.

To remind us of the Divine obligation to live morally, the civil laws are connected to the ritual laws of the previous parasha with the word "and." Both are from Sinai. Both share the same origin and importance. As a visual reminder of this concept, the High Court – representing civil law – is placed next to the Temple, the site of worship.



## The Piercing of the Indentured Servant's Ear

*And his master shall bring him close to the judges. And he shall bring him close to the door or to the doorpost. And he shall pierce his ear with an awl. And he will be his slave forever. (Shemot 21:6)*

The Jewish indentured servant slave serves his master for six years. At the end of this period the master must free the servant. If the servant refuses to leave his master, servitude may be extended until the Yo'el – the Jubilee Year. A specific ceremony must be followed to extend the period of indenture. The servant is taken to the court by his master. The master then pierces the ear of the servant at the doorpost.

Rashi explains the meaning of this ceremony. There are two circumstances that can initially lead to bondage. A man steals and cannot make restitution. He is sold into bondage. The proceeds are delivered, by the court, to the victim of the theft. Alternatively, extreme destitution can lead to bondage. In such desperate circumstances a person may sell himself. If, after the initial term, the servant chooses to renew his status as an indentured servant, his ear is pierced. This applies to both situations.

Rashi explains that the piercing of the servant's ear communicates a symbolic message. The basic message is that the servant was inattentive to the commandments revealed at Sinai. However, the message's specific details differ according to the circumstances that led to the servant's descent into bondage. In the case of the person who sold himself in response to poverty, the piercing recalls that at Sinai, he heard Hashem state that we are His servants. This person elected to enter into bondage. His duty to exclusively serve Hashem was disregarded. He placed himself under the authority of a human master. The indentured servant who entered bondage as a consequence of stealing was inattentive to a different commandment. At Sinai we were commanded not to steal. He disregarded this command.

The doorpost is also a symbol. In Egypt the Jews placed the blood of the Pesach sacrifice upon their doorposts. Hashem passed over these homes and did not afflict them with the plague of the firstborn. Through this act of compassion, Hashem earned the devotion of His people. The individual who sells himself into bondage compromises his

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devotion to G-d. As a slave, he must split his devotion between Hashem and a human master.[3]

Rashi's moving explanation is appropriate in the instance of a person who willingly sells himself. A person who sells himself out of desperation does not immediately deserve to be punished; desperation drove him to this choice. However, the decision to extend his bondage indicates a moral failing. At this point, his servitude must be stigmatized. The servant must be discouraged from electing to extend his period of service to a human master. At the moment he is prepared to enter into this extended service, his ear is pierced.

However, Rashi's explanation is difficult to understand in the case of the thief. In this instance, the piercing of the servant's ear is a reference to his disregard of the prohibition against stealing. This crime was committed long ago—before he entered bondage. If we wish to remind the servant of his crime, the piercing should be done when the servitude is initiated. Why wait until the slave renews his bondage to teach this lesson?

It seems that Rashi is providing an important insight. The thief is sold into slavery in order to pay his debt to the victim. But bondage is not only a practical means to provide restitution to the victim, it is also intended as a punishment for the criminal. The decision of the slave to renew his status indicates that this purpose was not fulfilled. The thief was comfortable with bondage. Servitude had been a positive experience. The status can be continued, but only after a stronger stigma has been attached to the servitude. The ear is pierced to place a mark upon him that signifies he has disregarded the law of the Torah. Hopefully, with this added stigma, servitude will not be as pleasant. The criminal will experience a consequence.

Rashi's comments are now clear. The piercing of the ear of the thief is a reference to the moral failing in the past. However, this punishment was not originally deemed necessary. The servitude alone should have served as adequate punishment. But the thief did not perceive his status as an indentured servant as a negative consequence. The servant must be punished anew for his crime. This is done by further stigmatizing the status he seeks to perpetuate.

### **Punishing the Guilty while Protecting the Innocent**

*And regarding he that did not hunt his victim and the L-rd caused it to happen, I will assign to you a place to which he may flee. (Shemot 21:13)*

The punishment for murder is death. If a life is taken by accident, the punishment is exile. Specific cities for exiles are designated throughout the land of Israel. The killer must flee to one of these refuges.

Rashi, in explaining this pasuk, quotes an enigmatic teaching of the Sages. The pasuk refers to accidental killing as an event caused by G-d. Why does Hashem cause such a tragedy? Our Sages responded by constructing a scenario in which the accident is an expression of divine justice. In this scenario, one person murders another, and a second kills another person by accident. In both cases there were no witnesses. Neither crime is punished by the courts. Hashem arranges for the individual responsible for the accidental death to climb a ladder. The murderer is maneuvered by Hashem into a position under the ladder. A rung breaks. The climber falls and lands upon the hapless fellow below. The murdered is killed in the accident. There are witnesses present. The climber will now be required to flee to a city of refuge. Justice has been served. The murderer has been executed. The accidental killer is exiled.[4] What is the message of the teaching? What is the lesson our Sages are delivering through this story?

Any legal system is faced with a conflict. There must be law and order. Criminals must be punished. If there is no consequence for evil, crime is encouraged. Yet, the rights of the individual must be protected. Care must be taken not to wrongfully punish the innocent. It often seems impossible to protect the citizens of society from harm and, simultaneously, respect the rights of the defendant.

The Torah gives priority to protecting the innocent. The laws of evidence are very strict. Two witnesses are required to determine the guilt of a defendant. These witnesses are carefully and completely cross-examined. As a result of these strict requirements, executions were uncommon. It is very likely that this extreme caution resulted in many criminals eluding the justice of the courts. How are the citizens of society protected from these freed criminals?

This is the issue our Sages are addressing. The conflict between the safety of society and the rights of the defendant cannot be resolved. A court system, alone, cannot simultaneously

accomplish both goals. A choice must be made. The Torah teaches that the rights of the individual take precedence. The defendant cannot be punished if a possible doubt exists concerning guilt. Yet, we are assured that the guilty will not avoid punishment. Hashem will punish those who are beyond the reach of the courts. We are required to carry out justice to the best of our ability. If we execute this responsibility, Hashem will punish those who escape human justice.

### **Do Not Curse Judges – Recognizing the Limits of Personal Objectivity**

*Do not curse judges. Do not curse a leader of your people. (Shemot 22:27)*

On the simplest level, the above passage prohibits us from cursing judges. What is the reason for this prohibition? A study of Maimonides' treatment of this mitzvah provides an obvious and straightforward response. Maimonides discusses this prohibition in his codification of the laws governing the courts.[5] He does not explicitly state a reason for this restriction. However, his general treatment of the law indicates his position. In the prior chapter of his code, Maimonides states that we are obligated to respect judges and others appointed to positions of authority within the community.[6] He then outlines some of the specific behaviors engendered by this obligation. Maimonides juxtaposes this discussion with the restriction against cursing a judge. It seems from Maimonides' presentation of these laws, he regards cursing a judge as an extreme form of disrespect. In other words, the restriction against cursing a judge is engendered by the obligation to respect judges. This is a reasonable position and the most obvious explanation for the restriction.

Rabbaynu Ovadia Sforno takes a completely different—and quite novel—approach to explaining the prohibition against cursing judges. He begins by asserting the commandment includes the special case in which the court has ruled against a litigant. The prohibition admonishes the disappointed litigant to not express anger through cursing the judge. Sforno continues and explains that it is natural for a person to believe in the justice of one's own cause. Therefore, the disappointed litigant may feel deeply wronged. The litigant will feel that the judges decided the case unfairly. They deserve to be cursed! These judges have miscarried justice! The Torah admonishes the irate litigant to exercise restraint.

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(Mishpatim cont. from previous page)

## Weekly Parsha

One must recognize the influence of one's own personal bias. True, in the litigant's view, a miscarriage of justice has occurred. However, one must recognize that the court is in a position to be more objective concerning the validity of one's own claim.[7]

Sforno's interpretation of the passage requires further consideration. Why does Sforno insist on focusing on a specific case – the disappointed litigant? We are obligated to respect judges. Of course, this duty applies even when we do not agree with the judges' conclusion!

It seems that according to Sforno, this commandment is not merely an admonishment against acting disrespectfully towards the court. This mitzvah should not be viewed as one of the many commandments regulating the conduct and reinforcing the authority of the courts. Instead, the mitzvah regulates our personal character – midot. It admonishes us against compromising our objectivity. We are not permitted to assume that we are completely objective about ourselves. We must recognize that the court's position is every bit as legitimate as our own. In abstract, it is easy to agree with this assertion. The challenge is to recognize this truth even at the moment of anger and frustration. Even at that moment, we must recognize our own personal bias and not overreact. In short, the passage commands us to accept the validity of an objective analysis of our own position – even when the conclusions of this analysis differ sharply from our own.

### The Boundaries of Our Reliance on Hashem

*If he gets up and goes outside under his own power, the one who struck him is absolved. He shall only pay for his lost time and he shall provide for his healing.* (Shemot 21:19)

Parshat Mishpatim outlines many of the laws regulating liability for causing harm to a person or his property. If a person harms another individual he must make restitution to the injured party. Our pasuk indicates two forms of restitution. The injured party is entitled to be reimbursed for his lost wages. The person causing the injury is also responsible for all medical expenses.

The Talmud comments that from this passage we learn that it is permitted for a medical professional to provide medical care.[8] The commentators are concerned with an obvious problem with this comment. According to the Talmud, it is not self-evident that a physician is permitted to provide treatment to those who are ill. In other

words, the Talmud implies that without the express instructions included in this passage, we are to assume that it is not permitted to provide medical treatment! Why would we assume that medical treatment would not be appropriate?

Rashi explains that the comments of the Talmud are not limited to a physician who provides care for an injury inflicted by another individual. Instead, the comments of the Talmud must be understood in a more general sense. The Talmud is telling us that a physician is permitted to provide treatment even in a case in which the patient has become spontaneously ill. Based on this understanding of the Talmud's comments, Rashi identifies the issue with which the Sages are grappling. Some may assume that a spontaneous illness is an expression of Hashem's will; Hashem wishes the person to be stricken with this illness. Consequently, the person's recovery should also be left to Hashem. By providing medical treatment, the physician is usurping Hashem's role and interfering with His plan. In order to avoid having people make these dangerous assumptions, the Talmud tells us that we are not to make this argument. Instead, the physician is permitted to provide treatment to those whose illness is not caused by the hands of another.[9]

According to Rashi, the Talmud is telling us that we are not to assume that we should leave to

Hashem the recovery of a person who is ailing. Instead, it is appropriate to provide medical treatment. However, Rashi's comments raise an additional question. Rashi is asserting that without the direct instructions of the Torah permitting medical treatment, we would reason that the recovery of the person should be left to Hashem. The Torah tells us that this reasoning is somehow incorrect. But Rashi does not provide any indication of why the Torah does permit the physician to provide treatment. In other words, Rashi identifies the prima-facie reasoning for denying treatment, yet he does not identify the flaw in this reasoning. Rashi only tells us that the Torah rejects this reasoning.

Nachmanides discusses this issue. According to Nachmanides, this discussion in the Talmud provides an insight into the Torah's understanding of the role of providence. Nachmanides explains that the Torah expects us to conduct ourselves in accordance with the natural laws. The laws of the Torah are constructed to be observed within the framework of the natural law that Hashem created to govern His universe. Torah law does not contradict or ignore the laws of nature. Therefore, it is appropriate to respond to illness through a physician's medical treatment. We are to live our

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lives in a manner that is consistent with the natural laws that govern the universe. We are to care for our health properly and medical treatment is appropriate when we are ill.[10]

Kitzur Shulchan Aruch further develops Nachmanides' comments. He explains that based on Nachmanides' reasoning, it is incumbent upon a person who is ill to seek the treatment of a physician and it is prohibited to not seek this treatment. He explains that there is a well-known principle that we are not permitted to rely on miracles. A person who does not seek medical treatment violates this principle.

Kitzur Shulchan Aruch explains that there is another reason for requiring a person who is ill to seek medical treatment. This second reason is also based on a comment of Nachmanides. Nachmanides points out the Torah does promise that Hashem will care for those who are righteous. Nachmanides explains that Hashem does perform miracles for the righteous.[11] Kitzur Shulchan Aruch explains that a person who refrains from consulting a physician and instead relies on Hashem's intervention is making the implicit assumption that he is a righteous person deserving of a miracle. Kitzur Shulchan Aruch points out that this is a shockingly haughty attitude. The Torah distains haughtiness and requires that we conduct ourselves with humility. Humility demands that we do not regard ourselves as tzadikim – as righteous people deserving of a miracle from Hashem.[12]

This discussion suggests an important question. According to these authorities it is appropriate – even required – for a person who is ill to seek medical treatment. What, then, is the role of prayer? If we are expected to conduct ourselves within the laws of nature and we are prohibited from relying on Hashem's intervention, why pray? When we pray, are we not asking Hashem to intervene – on our behalf – in His natural order? Are we not asking for a miracle?

Rabbaynu Ovadia Sforno discusses this issue in his commentary on Parshat VaYetzai. The Torah explains that Rachel – Yaakov's wife – was unable to conceive. However, in response to her prayer, she conceived and gave birth to Yosef.[13] Sforno observes that Hashem only responded to Rachel's prayers after she had endeavored to do everything in her own power to conceive.[14] In other words, Hashem responded to prayers that were accompanied by personal endeavor and initiative – not to prayer alone.

Sforno's analysis suggests an explanation of the role of prayer. We do not replace with prayer our own efforts to assure our well-being. Instead, prayer accompanies our efforts. We do not pray in

place of our own endeavors; we pray for the success of these endeavors.

Rabbaynu David Kimchi's, RaDaK, comments on a related issue used to further develop this theme. He indicates that although in seeking Hashem's aid we are asking for His intervention into the natural law, we should seek to minimize this intervention. He explains that when Hashem deems it necessary to perform a miracle, He does so minimally. He also prefers to hide His work. Hashem regards hidden miracles as preferable to astounding wonders. RaDaK cites various examples to prove his point. Hashem commanded Shemuel the prophet to anoint David as the new king of Bnai Yisrael. Shemuel realized that Shaul – the current king – would feel threatened and would make every effort to stop Shemuel from fulfilling his mission. Hashem instructed Shemuel to conceal his intent from Shaul. Hashem would make sure that Shaul did not stop Shemuel from fulfilling his mission. But Hashem preferred to do so by quietly working behind the scenes. He wished to avoid an open confrontation that would require an explicit miracle. RaDaK summarizes his thesis. Hashem prefers to clothe His miracles within the pattern of natural events rather than overtly overturn natural patterns.[15]

Similarly, when we pray, we acknowledge that all of our efforts cannot assure the recovery of the person who is ill. Only Hashem can assure this recovery. But even in seeking Hashem's intervention, we are required to minimize the necessary intervention. We must make every possible effort to seek the appropriate treatment for the person who is ill and then we pray to Hashem for the success of these efforts. Through combining our personal endeavors with prayer, we are seeking to minimize any necessary intervention.

Why are minimal interventions into the laws of nature preferable to overt miracles? Gershonides deals with this issue and explains that we are troubled by this question because we are impressed by miracles. However, miracles are not nearly as impressive as the laws that govern the universe. We take for granted the majesty of the universe. For example, here I am typing out this article. My fingers move across the keys of my keyboard. I take this function for granted. But let us consider this phenomenon for a moment: Is a finger and its function so simple? Can an MIT engineer create a manipulative machine that is as efficient as a finger? What about duplicating the movements of a simple spider? How many brilliant engineers does it take to make a mechanical spider? And these are just a few of G-d's most simple inventions. His universe full of wonderful inventions and the laws He created to govern their functions.

Any miracle – at some level – interrupts the operations of the natural universe. Gershonides explains that Hashem did not create the most possibly perfect universe just so He could turn around and interrupt its perfect functioning. Hashem seeks to avoid miracles – which are interruptions of nature. When He must interfere with nature, He does so minimally. And He preserves as much of the existing patterns of nature as possible.[16]

Similarly, in seeking medical treatment, we emulate Hashem. Just as Hashem seeks to minimize His miracles, we are required to minimize our dependency on His interruption into His natural laws on our behalf. We are required to do all in our power to help ourselves. We only seek Hashem's assistance in assuring the success of these efforts. ■

[1] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Shemot 21:1.

[2] Mesechet Baba Kamma 30a.

[3] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Shemot 21:6.

[4] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on Sefer Shemot 21:13.

[5] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Sanhedrin 26:1.

[6] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Sanhedrin 25.

[7] Rabbaynu Ovadia Sforno, Commentary on Sefer Shemot 22:27.

[8] Meschet Baba Kamma 85a.

[9] Rabbaynu Shlomo ben Yitzchak (Rashi), Commentary on the Talmud, Mesechet Baba Kamma 85a.

[10] Rabbaynu Moshe ben Nachman (Ramban / Nachmanides), Commentary on Sefer VaYikra 26:11.

[11] Rabbaynu Moshe ben Nachman (Ramban / Nachmanides), Commentary on Sefer VaYikra 26:11.

[12] Rav Shlomo Ganzfried, Kitzur Shulchan Aruch 192:3.

[13] Sefer Beresheit 30:22.

[14] Rabbaynu Ovadia Sforno, Commentary on Sefer Beresheit, 30:22.

[15] Rabbaynu David Kimchi (RaDaK), Commentary on Sefer Shemuel I, 16:2.

[16] Rabbaynu Levi ben Gershom (Gershonides), Commentary on Sefer Beresheit, p 91.



It is this lesson that must remain with us as we continue our studies into this week's Parshas Mishpatim. Last week we discussed demons, and explained that the Rabbis often speak in riddles. They wished to develop our minds through the design of riddles, which is also how the Torah was written. I do not mean riddles equate to metaphor, and that Torah is metaphoric. Not so. Only minute Torah cases are metaphors, like "circumcise the foreskin of your hearts", (which means to remove your stubbornness, not to brutally and foolishly carve our hearts). What I mean is that Torah is cryptic by its very design, like a riddle. There exist many layers to each verse. Beyond the literal reading, are numerous, profound lessons and ideas, uncovered only with a trained mind.

The mistake many of us make, is taking the Rabbis words literally. It is this error that causes our grave misunderstandings, and even heretical notions. Ignoring King Solomon's words that the Rabbis speak differently than Torah – in riddles and metaphors – we harm ourselves by assuming all their words to be literal.

We explained that the Rabbis' discussion of demons is a metaphor for psychological phenomena. Only a study of their words, and the appreciation that they possessed genius minds, will propel us into hours of necessary research and thought to uncover their true intent. The Rabbis didn't tell us "demons are only found on mountains, in deserts, caves, and at night", unless there is an underlying idea. Thinking into this statement, we discovered the common denominator: all four instances are cases of isolation. From there, we realized that the warning "not to give greetings to demons" means not to elevate fantasy to reality. For it is only due to isolation, that man creates imaginary demons to 'keep him company'. The Rabbis wished us to remain in reality, and not to relate to fantasy in real action. What beautiful ideas are derived from their crafted riddles. What harmful notions are accepted when misunderstanding them through a literal read.

### Really?

We can miss so many other intended lessons, so many vital ideas, if we assume that the Rabbis wrote in literal terms at all times. But when are we to understand them literally, as describing something "real"? How do we know when to understand them metaphorically?

The answer to both is determined by our sense of reality. If we do not witness a phenomenon in our daily lives – like flying camels – then when we read the Rabbis discussing flying camels, we know they are speaking in

metaphor. The problem is that many people do not pose this litmus test. They feel that "although today we don't see flying camels, maybe they existed a long time ago". But this is a grave error.

God has not reinvented the world.

Although we see men today over 7 feet tall, and we read of the giants in the times of the Torah, no man was ever large enough to lift a mountain...despite the literal reading that Og lifted a mountain (Tal. Brachos 54b). That must be understood metaphorically.

In the entire universe, there exists a law called "range". For example, birds possess a bill or a beak. Some are narrow, long, colored, ribbed or toothed. But a bird will never be hatched with an elephant's trunk. It will never have scales in place of feathers. It will never grow eyes on its feet. However, some animals may have two heads, many arms or legs, and other deformities. This is because genetic design possesses a range. Beyond that range, it cannot go, as God limited it. Maple trees will never grow mammals from their branches. The genetic design is limited in range. Man possesses the quality of height, and that is limited in its range. Man will never be as tall as the Empire State Building.

### The Universe as a Guide

If we study the physical world as God demands of us by granting us senses, we will arrive at the conclusion that "range" is part of God's will, and it is a reality. Flying camels and men lifting mountains are impossibilities. But if we feel whatever we can imagine can exist in reality...we reject God's "design" of natural law: we reject our senses, and we cannot comment on what is true or false.

This is a state of psychosis.

In order to follow God and the Rabbis, we must compare the words of the Torah and the Rabbis with physical reality. If we fail to do so, we will fail to know what truth is.

For this reason, we dismiss a literal read of the Rabbis' description of demons, and understand demons as metaphors. This is because we follow God's will to use our senses. And as demons have never been seen, we do not accept them. But one might say, "Perhaps we simply never saw them, but they exist". To this person we respond, "Do you live this way in other areas? Do you feel you must relocate your home since it 'might' be built on a volcano? Do you change doctors because he 'might' not have gone to med school?" We must be consistent in our reasoning, if we are to be reasonable at all.



### "But the Rabbi Said So!"

Now, some have said that some Rabbis might have accepted demons as real creatures. You must know that the Rabbis were not at fault for accepting the science of their times, although it was later disproved. No one person can study all areas in his short lifespan. We depend on the testimony of others for most of our decisions. Who is a doctor? Are newscasters receiving accurate information? Was my plane fueled sufficiently? Is my child's bus driver safe? We rely on the credibility of others for so much...at times for our very lives.

When the Rabbis turned their energies to matters outside Halacha and Torah philosophy, they arrived at truths, since they possessed the intelligence to do so. We all do. But they did not have the ability to study everything. This is why many accepted the elements as being four: fire, water, air and earth. But today, we have the equipment to investigate on microscopic levels. We know there are 110 elements in the Periodic Table. The Rabbis were not at fault for their externally imposed limitations. But this does not mean we reject newly found data to preserve their reputations. The goal is not to deify man, but to serve God by using the tools He intended we use. He granted us senses. This

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is so we might accurately praise Him as the Kedusha says, "The whole Earth is filled with Your honor". This means that what we "sense" is truly a reflection of His will, and all His creations and laws are impressive. We find the Torah phrase "The whole Earth is filled with Your honor" precisely because God wants us to appreciate what we sense, and to reject what we do not encounter.

We must abandon undue allegiance to man, which cripples our mind from questioning a revered author or Rabbi.

### Witches

By now you are wondering why I titled this article "Witches"...good question! Although I feel you now have the answer, let's address it briefly. This weeks Parsha Mishpatim states, "A witch you shall not let live". (Exod. 22:17)

Now...let's employ our reason, and think about this...

God can only command us to slay the witch, since she has no ability to defend herself from other mortals. Had she any real power, why would God endanger us with His command to kill her? If God desired witches to have power – as He created everything – why would He want us to destroy His creation? How could God even make such a command, if it is impossible to carry out due to our weakness over the witch? God does not perform useless acts.

These questions expose witchcraft as lies. In fact, God desires us to kill the witch, as it hurts His reputation. Witches mislead mankind from God and reality. The Talmud asks why a witch is called a "mach'shefa". It answers that this is an acronym, which means, "contradicting the heavenly reputation". A witch or warlock undermines God's "exclusive" role as the sole universal power. This is why we must "not let live" any witch, or any performer of sorcery or superstition. All fall under the category of witch or warlock. Other Torah violators "must be killed", but a witch or warlock is more severe, and "you shall not let [her] live".

Do demons or witches exist? Did they ever? God says, "There is none other than God alone". (Deut. 4:35) There are no other powers. Remain true to this verse by authority of Torah, until your mind can accept that not all Rabbis were correct. The Talmud is replete with Rabbinic arguments. This shows that they attest to this themselves! Why should you opine that a Rabbi is correct on every one of his statements, when he will tell you himself that such is not so? The Rabbis even wrote that if a reader would find an error in his words, to correct him. God alone is without flaw.

We must therefore abandon the practice of quoting a Rabbi to defend a philosophy or a fact. Instead, we must determine for ourselves who is correct when we see Rabbis arguing. They cannot both be correct in such a case. Demons exist, or they don't. Both views cannot be correct. And in philosophy as well, two opposing views cannot be correct: one or both are wrong.

God gave each of us senses. He wants each of us to examine reality and use our intelligence to make our own determinations. Just as you do not rely on a friend's word whether a car is hurling down the street you cross, but you check for yourself...you must show more care for your soul and not simply accept notions which you do have the ability to verify, or reject. ■

Witchcraft rejects natural law and assumes relationships exist between objects without physical contact... & without proof



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## Letters



# Letters

*from our*

## READERS



### Saul & the Witch

**Steve:** I do personally believe the story described in Samuel I (of the Baales Ove – witch – who raised Samuel from the dead). Even the Egyptian conjurers performed miracles and Moses said that a prophet or a dreamer of dreams might do miracles and wonders and the miracles and wonders would come to pass or come true. Still, if they taught us to follow other gods, we should not listen to them. In other words if they performed miracles but gave us new laws, statutes and judgments different from those that Moses gave us from G-d, they were not a true prophets.

**Rabbi:** Although the Torah tells us not to follow the signs of a false prophet instructing on Torah violations...his signs are not “magic”. Sforno states that “signs” in this case refers to heavenly signs, i.e., natural phenomena, predicted based on their observable and repeating natures. There exists no true “miraculous” signs of those deviant souls opposing God. God will not deceive other innocent people, granting false prophets the ability to predict and/or enact true miracles. Far be it. Sforno says further, “Don’t investigate his words to determine validity in some of it, for beyond any doubt, they are all lies, made up from his own heart.” It is clear, false prophets cannot produce miracles, and their words are lies. These are the words of the Rabbis.

Saadia Gaon states that the Egyptians – and anyone for that matter – possess no power, other than what each man’s muscles can manipulate. In Egypt, the astrologers and magicians were no different than today’s sleight of hand performers. Ibn Ezra – another great Rabbi – commented that the Torah does not prohibit that which is real and true, rather, only that which is lies is prohibited. God desires we recognize the truth, and not ignore what is real. Thus, the reason necromancers, witches, enchanters, warlocks, psychics, et al. are prohibited is because they have no powers. Had they any powers in Egypt, why couldn’t they remove God’s plagues? Why couldn’t they at least use their own magic – as you assume – and conjure up some sort of defense? Why did they not even try, if they truly possessed powers of any kind? If I had powers, and these plagues visited my area, I would certainly do what I could to rid myself of them. But the lack of any attempt by Egypt to remove the plagues clearly unveils the truth: they knew they possessed no powers. Pharaoh too must have realized this, for we find nowhere in the Torah any demand by Pharaoh on his astrologers and magicians that they remove Moses’ plagues. Pharaoh always addressed Moses when he desired the plague to end. Your mind must find some satisfaction in this point. This is Egypt’s confession: they possessed no powers.

Egypt was quite entrenched in the mystical, similar to today’s phony mystics who believe in alien, unproven forces. But all mentioned herein are idolatrous, as they all imagine forces other than God. These forces are not real, and have never been witnessed. Psychics are today’s permutation of Egyptian astrologers...and not one psychic ever won the lottery. Wouldn’t you think these charlatans claiming to know all about your past and future, could guess a few simple numbers?

**Steve:** When the Baales Ove brought the Shmuel (the judge and prophet) up, everything he told the king came to pass. The fact that a Baales Ove or a sorcerer can perform something and it comes about, this does not make him or her a true prophet. This is why we Jews do not accept the NT as prophetic because though I personally believe miracles were performed, this is not the test of a true prophet.

**Rabbi:** The Baales Ove did nothing, and if you will study that area, you will learn from the verses that she knew very well this was King Saul seeking Samuel. So she feigned that she saw Samuel out of recognition of the King. All that came to pass afterwards, i.e., that Saul died, was because Saul lost his own confidence due to his own imagined daydream of Samuel reiterating his previous

rebuken, when Saul left Agag alive, ignoring God’s commands that he slay him. Man – when not confident – will err in his activities, and unfortunately, Saul’s next activity was war. Saul truly believed he heard Samuel foretell his imminent death at war, along with his son, and the Jews being captured. This was not prophetic, but Saul’s own imagination. This was all a daydream, as one who is desperate to speak to someone of greatness like Samuel, may actually believe to be doing so. Saul previously displayed great insecurity a number of times; when appointed as king, he was hiding, (Sam I, 10:22) and upon capturing Amalek, he succumbed to the people’s opinion to save the good cattle and the king, Agag. And throughout his relationship with David, Saul was paranoid of David, and sought to kill him. Again with regards to the Baales Ove, Saul demonstrated a great insecurity, and was so distressed, that he sought an idolatrous and useless means of contacting the dead Samuel: “When Saul saw the Philistine camp, he was greatly afraid and his heart trembled greatly.” (Samuel I, 28:5) Out of his horror, Saul resorted to useless idolatry. This event must be explained in the context of King Saul’s personality: instead of assuming forces which have never existed, nor exist today, we may readily explain this metaphorically, “as if” Saul contacted Samuel. The Torah thereby expresses in exaggerated terms, just how real Samuel was in Saul’s insecure mind.

I feel it appropriate at this point to stress what care must be taken when interpreting the Torah. Without years of tutelage under Rabbis well versed in interpreting the Torah, we cannot read an area and assume we understand it. God wrote the Torah. Therefore, much trepidation must accompany any read of any portion of Torah, Prophets, or Writings. Certainly, if the Rabbi openly stated that an area is metaphoric, we are wise to understand their heavy words, and not abandon their authority, in favor of our assumptions; assumptions based on limited knowledge, and embarrassingly absent analytical skills. It takes decades to master competent, Torah analysis skills. Only after this amount of training can one approach the Torah’s intended meanings.

Returning to Saul and the witch, no human has power over life. You must understand that just as King Solomon said in his opening words to Proverbs, the Rabbis “speak in riddles”, this case of Saul and the Baales Ove is also a riddle of sorts. The Torah described the Baales Ove “as if” she raised Samuel from the dead, to teach how real Saul imagined this daydream to be. The Torah presented Saul’s daydream, as if it were reality, because it desired to teach how far man will believe his own imagination when he is desperate, as was Saul in this case. ■



## Weekly Parsha



# Naaseh vNishmah

**RABBI MOSHE BEN-CHAIM**

Prior to the Jews' receipt of the Torah and the Ten Commandments, Moses read the "Book of the Treaty" to the nation. (Exod. 24:7) Rashi (ibid) says this book refers to the Torah that transpired up to that point in history – namely, from Genesis through Parshas Yisro.

Moses read this book to the Jews, apparently for good reason: the imminent acceptance of Torah must not be accepted blindly. Man is not expected to accept a Torah, without knowing its fundamentals. Man earns no merit through blind acceptance. This outlook is only sustained by false religions offering no reasoning. But God's Torah reflects the wisdom of the Creator, and God therefore gifted mankind with intelligence, essentially, to perceive the Torah's wisdom, guiding him intelligently in his religious life. Wisdom is to be applied in all areas, starting with religious life.

Subsequent to hearing this book read, the Jews unanimously said they would "perform and listen" to all contained. Their famous words "Naaseh

v'Nishmah" are a testament to their great level. Based on what they had heard, they even accepted what they had not yet heard. In other words, they said "We will do what we have heard, and we will listen and perform all what we have not yet heard." Based on first fifth of the Torah they had heard, they were convinced that all else must be of the same perfected character...a lifestyle they had no doubt was to be cherished. On this verbal acceptance, Talmud Sabbath 88a records a metaphor:

*R. Simai lectured: "At that time, when Israel preempted "We will do" to "and 'we will listen", there came six hundred thousand ministering angels to each and every Jew, binding two crowns: one corresponding to "we will do", and one corresponding to "and we will listen". Thereafter when Israel sinned [with the Golden Calf] twelve hundred thousand destroying angels descended and took them away; as it is written [Exodus, xxxiii. 6]: "The children of Israel then stripped themselves of their ornaments (they wore) from (the time they were at) Mount Horeb." R. Chama b. R. Chanina said: "At Sinai they received the crowns and at Sinai they lost them", as it is written "The children of Israel then stripped themselves...". Said R. Johanan: "All of them Moses merited and he took them, as immediately after the verse cited it is written, "And Moses took the tent and pitched it outside the camp of the Jews." Said Resh Lakish: "In the future God will eventually return them to us, as it is written [Isaiah, xxxv. 10]: "And the ransomed of the Lord shall return, and come to Zion with song, with everlasting joy upon their head." The expression everlasting means that it was already upon their heads at the time of reception of the Torah."*

This Talmudic section refers to the verses below in Exodus 33:4-7 where after the sin of the Gold Calf, God instructed the Jews to "take down" their adornments:

*"When the people heard this bad news they mourned and no man wore his ornaments [crowns]. God said to Moses, "Say to the B'nei Yisrael, 'You are a stiff-necked people. Were I to go up among you for one moment, I would destroy you. And now remove your ornaments and I know what to do with you'. The B'nei Yisrael took off their ornaments that they had [worn] at*

*Mount Sinai. And Moses took the tent and set it up outside the camp, a distance from the camp, and he called it [the] Tent of Meeting. Everyone who sought God would go out to the Tent of Meeting that was outside the camp."*

The Talmud refers to the adornments as crowns, while according to other Rabbis, there are quite disparate views held by each. One Rabbi says they were crowns, another says they were select garments worn at Sinai, still another (Unkelos) says they were military objects, one adding they were "gold" military objects (Yonasan ben Uzziel). On that mention, Yonasan ben Uzziel adds that when Moses removed the tent out of the camp, Moses placed in it those adornments. (Exod. 33:7) What does he mean? And Sforno is most distinct in his view, saying the adornments were the Jews' "spiritual preparedness".

What caused such divergent opinions is that the term used in the actual verses is "edyo", which simply refers to the "affect" of being adorned, not a crown or an object per se. Since the Torah verse is not addressing what the adornment was, this leaves interpretation wide open.

## Questions

What is significant about the Torah from Genesis through Yisro, that it became the "Book of the Treaty"?

How are the words "Naaseh v'Nishmah" so unique, that here alone the Jews merited "crowns"?

What exactly are these "crowns"?

Why does the Torah use an ambiguous term of edyo, in place of a clearly described "crown"?

How are we to understand these angels and the entire Talmudic metaphor?

How does the Gold Calf sin cause the crowns to be removed?

Finally, where do we start so as to find answers?!

## Step One

The first place to seek clues always lies in the most unique aspects of a given account. Here alone do the Jews received crowns, or adornments. And this is due to something they did. So we must uncover the greatness of their act. They said they would accept to perform what they heard, and also all that they had not yet heard. We can now define their greatness. First, they used their intellects to realize how great the Torah was. But they also accepted that whatever God will eventually command, they would do.

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We may answer that human perfection is expressed in man's use of his intellect. He identifies human knowledge of what God is, and His commands, as correct and true. This was expressed when the Jews said "Naaseh", "we will do". They admitted what they heard was true. But when they said "Nishmah", "we will listen", they admitted to "human limitation". They accepted that their understanding couldn't be the litmus test for what man accepts. In other words, they said, "We have conviction in God's nature and His commands based on what we heard already, so all that He commands must be good and true. And even what man cannot comprehend, we will accept."

### Here is the key:

It is insufficient if man follows only the Torah laws that please his mind. In such a case, he fails to confirm God as superior to himself. His view of God is compromised. Man must defer to God. If he doesn't his emotional component is corrupt. His ego has obscured his view of God.

Thus, when the Jews said both Naaseh v'Nishmah, mankind reached the optimum level, where man 1) followed reason, and 2) he accepted he could not know all. For if man feels he can know all, then in the areas that he is ignorant, he will force faulty conclusions, and eventually destroy himself.

Here, man actualized the purpose in creation of Earth. This was a unique event, and why only here "crowns" are received.

### Angels

It was these two perfections that the Talmud hinted to with the first set of angels. The ministering angels truly refer to man's intellect, which earned him "crowns". "Crowns" simply mean merit...exactly as Sforno stated. So valued before God is this state when man follows intelligence, that God equated this human perfection with "adornments". God intended to elevate an intangible state of perfection, with something real and priceless, so man reading the Torah could more easily relate. King Solomon also refers to man following a life of wisdom, as "head adornments and necklaces". (Proverbs 1:9) So the binding of these crowns by angels, simply means that man's intellect (angels) earned him an elevated status (crowns).

The two crowns correspond to the two intellectual perfections: man's allegiance to wisdom, and his admission of human limitation.



### The Gold Calf

The sin of Calf is precisely man's inability to accept human limitation. Those Jews caved in to their psychological need to relate tangibly to religious life. They – like Christianity's inventors – fabricated a leader based solely on their own physical and psychological terms, ignoring the truth, that human intelligence is limited, and cannot fathom a metaphysical God. The Jews said, "Moses, the 'man' ...." was no longer with them. They craved the tangible man of Moses, as Christians crave the tangible Jesus, and as Jews today immortalize their Rebbes, or project powers onto them. It is all one sin.

The Jews lost their "crowns" when caving in to their need for tangible leaders with which they could relate physically. This danger existed at Sinai, and this is why God commanded Moses to relate the prohibition of ascending the mountain, and to rope it off. The Jews would have ascended,

since they sought some sensual connection with God. And when they miscounted Moses' day of decent, they quickly created a golden, physical replacement, since as they said, "Moses, the man who took us out of Egypt, we know not what has happened to him." They needed the "man" of Moses. So with their creation of the Gold Calf, they no longer accepted human limitation, previously accepted with their words "We will listen".

The Jews committed two sins: 1) they abandoned a life led solely by intellect, and catered to their psychological and emotional needs, and 2) they no longer accepted limitation of their intellects, assuming their fabricated god was correct. Thus, the Talmud says two angels of destruction removed their two crowns. This means that to earn the crowns, only one "ministering" angel was needed – ministering being a positive

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phenomenon, referring to the intellect's ministering to every Jew. (Each man has but one intellect, or one "ministering angel".) But to lose their merit of Naaseh v'Nishmah, two "destructive" angels, or two emotions, were responsible, as we stated above. There were two, distinct instinctual flaws.

*R. Chanina said: "At Sinai they received the crowns and at Sinai they lost them."*

Rabbi Chanina means that the very event of Revelation was a double-edged sword. God's revelation endangered the Jews into the heightened emotional and religious state, and this excitement arouses emotions; dangerous religious emotions.

### Why the ambiguity?

God uses a term that could be understood as a literal crown. He does so in order to convey how real and prized is the state of man when he lives in line with reason. When man both 1) realizes the perfected wisdom in Torah, and 2) accepts limitation of his human knowledge, he exemplifies man's highest state...a state worthy of being "crowned". God alludes to the reality of this non-physical perfection, by equating it to a real physical and prized object: a crown.

Man is thereby taught that although intangible, human perfection is what God values most. So the "Torah speaks like human language", as the Rabbis said, "Dibra Torah kilashon bnei adam". Man views the physical as most real, so God equated what is truly most real – human perfection – with something physical. But God does not call that perfected state a literal crown, for that would be false, and misleading. Therefore, "adornment" is used, so as to confirm the positive nature of the subject at hand, while alluding to its intangible state. Indeed, a highly clever maneuver. Again, this state is the purpose of Earth's creation, and why here alone, mankind earns a crown. God's plan was achieved. It was truly a crowning moment...but a moment, and no longer.

To reiterate, mankind's perfection lies in his intellectual life. And when man expresses complete satisfaction with the Torah, he demonstrates this perfection. But this perfection of "We will do" must be accompanied by "We will listen". Meaning, man must simultaneously accept his intellectual limitations. Admitting what we know, and what we can't know, are equally important beliefs.

### God's Response

Although God does not exist in physical space or in the Temple, God corrected man's flaw with the Holy of Holies – the central focus of Temple – where man must never enter. Thereby, God instituted the fundamental that man's knowledge is limited. Man cannot enter this room, as a demonstration that he cannot approach any understanding of God. Additionally, man must not make his obedience to God dependent on his knowledge. God created everything, and as the source of all, He alone determines what is true...what is real. For man to argue with God, man denies the absolute and exclusive authority God reserves as the only Creator.

*Said R. Johanan: "All of them [the crowns] Moses merited and he took them, as immediately after the verse cited it is written, "And Moses took the tent and pitched it outside the camp of the Jews."*

Yonasan ben Uzziel adds that when Moses removed the tent out of the camp, Moses placed in it those removed adornments. This is our previous point...

The Tent of Meeting was where God communicated with Moses, seen by the descending cloud pillar miracle. Moses now intended to teach the Jews that only through searching out God and living intelligently, would they merit that perfection. That is what Yonasan ben Uzziel means by "Moses placing the crowns in the tent." Since we are subscribing to Sforno's interpretation of "edyo", there were no literal crowns. They represented the Jews' perfection. Thus, to repurchase that perfection (crown) the Jews had to seek out God at His Tent of Meeting. Therefore, saying that "Moses placed the crowns there" means Moses directed the Jews' perfection to that tent, or rather, to the act of seeking out God.

*Said Resh Lakish: "In the future God will eventually return them to us"*

This refers to the future when God will teach the whole world His undeniable truth. At that time, we will once again enjoy those "crowns", or rather, a state of perfection. May it come soon!

As a final note, my friend Lewis added that the reason the Jews accepted the entire Torah based only on what they heard read from Genesis through Yisro, is for good cause.

That first fifth of the Torah describes the perfections of Adam, Noah, and Abraham, the patriarchs and matriarchs, and the tribes. As well, it includes God's providence of those perfected people. This portion includes accounts of people who possessed the perfections of the Torah, but without having the Torah. These accounts depict man at his finest, where without Torah direction; man's mind alone directed him and her to the service of God, which really is the service of the self, as a wise Rabbi once stated. When the Jews heard Moses read these accounts, they were filled with a deep contentment with the lives of the righteous, with God's fulfillment of His promises to them, and His providence. They understood the fundamentals of rejecting false gods and idolatry, of being honest, of not chasing wealth, of observing modesty, and of upholding defending morality. They valued these at the cost of life itself. Grasping and agreeing with these fundamentals, the Jews unanimously accepted all which God said, and all He will ever say. In other words, the Jews recognized the great gift God gave man of being able to recognize and live by truth, without any external direction, using intellect alone. They deserved the two crowns of subscribing to intelligence, and accepting the limit of that intelligence. This is Naaseh v'Nishmah. ■

*I thank my dear friends Lewis, Howard and Yehoshua for working through this area with me.*

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