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YEARS

Dedicated to Scriptural and Rabbinic Verification  
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## Weekly Parsha

### *the* Punishment *fits the* CRIME

**RABBI DR. DARRELL GINSBERG**

The first mitzvah in this week's parsha discusses the obligations surrounding the treatment and release of the "Eved Ivri", Hebrew slave. There is a common but mistaken notion that the Eved Ivri is a slave, which cannot be further from the truth. A cursory study of the halachos concerning the Eved Ivri reveals a set of labor laws that might be considered more benevolent than some of the working conditions in today's world. He is not a slave, not by any means. Moreover, Bnai Yisrael's failure to abide by the commandment to release the Eved Ivri upon completion of his servitude resulted in horrific consequences, as detailed in this week's haftarah. The importance of elucidating the relationship between master and eved, as well as the flaw exhibited by Bnai

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## Letters

### *the* Better Teacher: Thought or Experience?

**RABBI MOSHE BEN-CHAIM**

**Chaim:** Through different experiences, man comes to his realization that Torah is true, and that it should be fully accepted as our stronghold. Sometimes, a calamity or great success is the turning point for one person. And sometimes, abstract thought alone convinces others to follow Torah. Does it matter how we come to this realization? Is one more lasting and steadfast?

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Boston	4:34	Moscow	4:34
Chicago	4:41	New York	4:49
Cleveland	5:18	Paris	5:21
Detroit	5:22	Philadelphia	4:55
Houston	5:37	Phoenix	5:37
Jerusalem	4:51	Pittsburgh	5:14
Johannesburg	6:44	Seattle	4:45
Los Angeles	5:00	Sydney	7:45
London	4:22	Tokyo	4:46
Miami	5:42	Toronto	5:05
Montreal	4:35	Washington DC	5:05

## Weekly Parsha

### Mishpatim

**RABBI BERNIE FOX**

#### Deciding Disputes in Civil Court

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

Parshat Mishpatim describes many of the civil laws of the

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(Mishpatim cont. from pg. 1)

## Weekly Parsha

## JewishTimes

Weekly Journal on Jewish Thought



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Torah. The Talmud explains in Tractate Gitten that we are required to resolve disputes regarding civil law in bait din – a Jewish court convened in accordance to Torah standards. We are not permitted to submit such disputes before non-Jewish civil courts.[1] Rashi elaborates on this requirement. He explains that there are areas of civil law in which secular law may closely follow Torah law. In these cases, submitting a dispute to a secular court will likely produce a decision that is consistent with Torah law. Nonetheless, one may not take the dispute to a secular court.[2] Rashi does not explain the reason for this restriction. Why is it prohibited to submit any civil issue to a secular court? Assume that one is certain that the laws enforced by this court are consistent with the Torah. What is wrong with availing oneself of this secular authority?

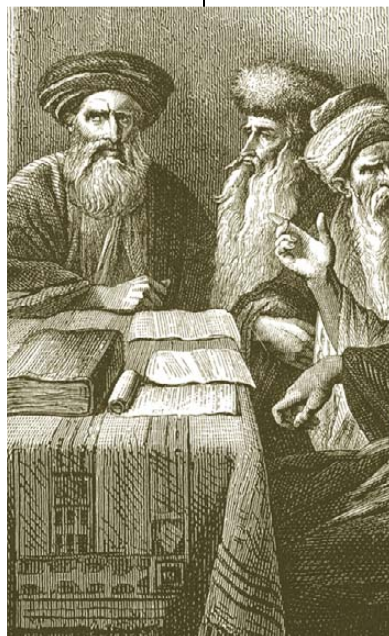
Maimonides discusses this issue in his Mishne Torah. He explains that one who submits a dispute to a secular court is considered wicked. He is a blasphemer and has raised his hand against the Torah of Moshe, our master.[3] This is a very serious condemnation. It seems extreme. The term, blasphemy, implies a denial of a central principle of the Torah! How has this person blasphemed? Furthermore, how does one who utilizes a secular court “raise his hand against the Torah”?

In order to understand Maimonides' comments, a brief introduction is required. In his commentary on the mishne, Maimonides identifies and defines the fundamental principles of the Torah. One of these principles is that the entire Torah was revealed to Moshe. Every law of the Torah was given to us by Hashem.[4] We are required to uphold this conviction. This requirement is not fulfilled simply through an intellectual commitment to the principle; the principle must also guide and be confirmed by our behaviors. We must act in a manner consistent with the conviction that the Torah is a revealed truth. Any behavior that implies otherwise is prohibited and is regarded as a rejection of revelation.

We can now understand Maimonides' comments regarding secular courts. We received the Torah from Sinai. It is a revealed truth. Therefore, it is a perfect system of law.

This status applies to the laws governing ritual and it also applies to the civil law of the Torah. A person cognizant of the divine origins of the Torah's laws would not willingly submit oneself to the jurisdiction of another system. This person would only wish to be judged by Torah law. Abandonment of Torah law – even in a civil matter – implies denial of the Torah's status as a revealed truth. It follows that submission of a civil dispute to a secular court is prohibited. One who does seek justice in a secular court has raised his hand against the Torah of Moshe. This is regarded as blasphemy against the Divine origins of the Torah.

### Following the Conclusion of the Majority in Issues Other Than Halachah



*Do not follow the majority to do evil. Do not speak up in a trial to pervert justice. A case must be decided on the basis of the majority. (Shemot 23:2)*

The above passage includes three injunctions. The meaning and rationale of last of these is easily understood. In deciding a legal issue, the court must follow the opinion of the majority of its members. For example: A person brings a question of halachah before the court. The court discusses the issue and the judges differ on the resolution of the issue. The members of the court vote. The issue is decided according to

the majority opinion. The law also applies to civil disputes. For example: Two litigants bring a case before a court. After hearing from both parties to the dispute, the court votes. The decision of the court is determined by the majority's position.

The first injunction in the passage is more difficult to interpret. The pasuk tells us not to follow the majority to do evil. This is an odd statement. Obviously, we should never intentionally act wickedly. A court cannot knowingly issue an inappropriate decision based on the opinion of the majority! What is the case to which the injunction in the passage applies? The Torah She'Be'Al Peh – the Oral Law answers this question. Our Sages explain that the opening portion of the passage deals with capital cases. In these cases, if the defen-

(continued on next page)



dant is found to be guilty, he or she will be executed. Our Sages also explain that the term "evil" in the passage should not be interpreted literally. Instead, it refers to a guilty verdict. In other words, the passage tells that a simple majority is not sufficient to execute a defendant. What is the criterion that must be met in order to execute a defendant? A majority of at least two judges is required.[5]

In short, two messages are communicated by these two injunctions. The final portion of the pasuk instructs us that court's decisions should generally follow the majority's opinion. The first portion of the passage establishes an exception. The execution of a defendant requires a majority of at least two judges.

Baal HaTumim – an outstanding scholar – was once asked to defend his commitment to the Torah. The question posed to him was based upon our passage. Our pasuk tells us to follow the majority opinion. It seems reasonable to apply this principle beyond the confines of court cases. In fact, the Talmud does apply this principle to other areas of halachah. This means that heeding the opinion of the majority is a rational rule and should be applied wherever appropriate. Baal HaTurim's opponent observed that the Jewish people are a minority within civilized humankind. Furthermore, even among the Jewish people, the Torah is not universally accepted and observed. Other religions can rightfully claim larger followings. Therefore, should we not abandon the Torah based on the principle in our passage? We should follow the majority opinion and embrace most widely accepted religion!

Baal HaTumim responded that this question is based upon a basic misunderstanding of the principle in the passage. The pasuk does not suggest that we follow the majority in areas in which we have definite knowledge. The pasuk deals with a court case in which an issue is in doubt. The issue may be how a halachah is applied in a novel situation; it may involve the resolution of a civil dispute between two litigants; in may concern whether a defendant committed a crime over which the court has jurisdiction. In all of these instances, the court must consider the matter, review the evidence, examine the testimony of relevant witnesses, and after assessing the data provided from all sources, come to a conclusion. In all of these instances, there is a legitimate question and the answer is in doubt. In the resolution of the doubt, we follow the majority opinion. However, we are not swayed by the majority in areas in which we are certain. For example, assume a



person knew that a certain food was not kosher – permitted. A group approaches this individual and claims the food is permitted. The person cannot eat something that one knows with certainty is not kosher. It is irrelevant that a large group claims the food is permitted. A person cannot ignore his personal knowledge simply because a number of ignorant people hold a different view. Baal HaTurim explained that we know that the Torah is true. We received it through a public revelation to the entire Jewish people and its content and design also reflect its Divine source. The truth of Torah is not an issue that is in doubt and must be resolved through resorting to the judgment of the majority. Therefore, regardless of the number of people who deny its authenticity, we cannot abandon the truth.

Rav Elchanan Wasserman Zt"l suggests an alternative response to the question posed to Baal HaTurim. He argues that the question is based upon a different error in the meaning of the passage. The passage requires us to follow the majority opinion of a group of judges. This does not mean that the principle in the passage is limited to decisions of jurisprudence. However, the principle in the passage does require that the issue in balance be decided by individuals qualified to render a decision. In matters of halachah, the judge's knowledge and wisdom endows his opinion with credibility. The opinion of a simpleton is not given credence. Rav Elchanan argues that religious issues cannot be evaluated on the basis of popular appeal. The masses of humanity do not make religious decisions as a result of thorough analysis. Only scholars of religion are credible judges. Rav Elchanan points out that the Torah has been scrutinized by countless scholars. The Sages of the Talmud and of subsequent generations have subjected every detail of the Torah to painstaking critical analysis. No religion has been subjected to more thorough scrutiny over a period of centuries. Therefore, application of the principle in the passage only confirms the authenticity of the Torah.[6] ■

[1] Mesechet Gitten 88:b.

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

[3] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Sanhedrin 26:7.

[4] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Commentary on the Mishne, Mesechet Sanhedrin 10:1.

[5] Rabbaynu Moshe ben Maimon (Rambam/Maimonides) Mishne Torah, Hilchot Sanhedrin 8:1.

[6] Rav Elchanan Wasserman, Kobetz Ma'amarim, Essay on Conviction.

Yisrael, is the subject of this week's article.

In the time of King Tzidkiyahu, a covenant was re-established which freed servants at the completion of their sixth year of labor. Yirmiyahu (34) explains that the nation abided by this covenant, releasing all their male and female servants. However, the state of freedom was short-lived for these servants, as they were "re-claimed" by their previous owners, ostensibly against their will. God reveals to Yermiyahu that due to this disregard for the commandment concerning the release of all servants after the completion of their sixth year of servitude, He was going to "free" Bnai Yisrael (ibid 17) "unto the sword, unto the pestilence, and unto the famine; and I will make you a horror unto all the kingdoms of the earth." The verses that follow offer more grim prophecy for Bnai Yisrael, all the result of their failure to abide by this commandment.

God's harsh reaction to Bnai Yisrael's failure here is one that seems disproportionate to the nature of the error. What is so heinous about not fulfilling this commandment that merits such a degree of destruction?

The Ramban offers a seemingly obscure explanation of the nature of this mitzvah. He writes (Shemos 21:2) that the release of the Eved Ivri in the seventh year is a remembrance of the exodus from Egypt. He then offers another reason – releasing the eved is a *zecher* of *maase bereshis*, like Shabbos. The seventh year for the eved is a "Shabbason," a "resting period" from working for his master. These reasons seem quite ambiguous. At first, the Ramban creates a parallel between the freedom of the Eved Ivri and the exodus from Egypt. In order for this analogy to hold true, one must assume he is implying the situations of Bnai Yisrael and the eved prior to their subsequent freedoms share some similarity. The Ramban therefore would seem to be comparing the state of the Eved Ivri and the enslavement of the Jewish people at the hand of the Egyptians. Could this be so? The Eved Ivri is treated with the utmost care: he cannot be subjected to frivolous work or burdensome labor (Rambam Hilchos Avadim 1:6-7). This would seem to be incomparable to the slavery experienced by Bnai Yisrael in Egypt. How do we understand this comparison? The second reason offered by the Ramban is unclear as well. The freedom of the eved is for the rest of his life, while Shabbos is experienced on a weekly basis. Furthermore, what stops the Eved Ivri (in most instances) from celebrating Shabbos? He is not excluded from the system of Shabbos – so what makes his experience of Shabbos while in the state of *avdus* different from when he is free?



Let's take the first rationale offered by the Ramban, namely the analogy between the exodus from Egypt (and the state of enslavement) with the freeing of the Eved Ivri in the seventh year. Obviously, the nature of the physical servitude is completely different. However, there is one underlying psychological theme that emerges in both situations – the dependency of one man on another for his sustenance. The concept of "slave mentality" has been applied to the situation of the Jews in Egypt, where they viewed the Egyptians as more than their masters – they were also their benefactors. A pivotal part of the Divine Plan was the eradication of this state of mind, accomplished through the exodus (and culminating with *kriyas yam suf*). This same emotional state exists in the world of the Eved Ivri, with his *adon* acting as his sole provider. As such, it can lead to a sense of supremacy envisioned by the *adon*. One should not think this sense of power is intrinsic to the relationship between Eved Ivri and *adon*. It does not start from the moment he begins his servitude – it is one that takes time to develop. Therefore, it is crucial that the relationship is broken after the sixth year, to ensure that it is severed before the dependency takes too strong of a hold.

What about the second analogy? The ability of the eved to relate to Shabbos lies in the philosophical objective of avoidance of *melacha* on this day. The prohibition of *melacha* on Shabbos is not merely set up to prevent physical labor. The nature of this prohibition is to prevent Bnai Yisrael from engaging in creative actions in the physical world. Study-

ing each *melacha*, one can clearly see how the violation occurs once the action is deemed "creative." Therefore, Shabbos serves as the day to redirect this creative energy from the physical world to the study of God. The average person's daily activities and labor, including their creative energies, are focused on serving themselves. Once the ability to focus one's creative powers on the empirical world becomes prohibited, one can turn to focusing on God. The Eved Ivri, as we know, is excluded from many of the commandments, a testament (as my friend put it) to his overall lack of autonomy. The creative abilities of the Eved Ivri are there to serve the will of his *adon* – they are not his to direct. Since this is part of who he is, even the removal of the world of *melacha* is not enough to free his mind completely to focus on God. The *adon*, then, is in a position of power. He has, in a sense, control over a part of the mind of the Eved Ivri. Much like the idea of physical dependency that may become too extreme, to allow for this sense of power to exist over too long a period of time can result in a severe distortion. Therefore, the *adon* is obligated to release the Eved Ivri at the end of the sixth year, ensuring that the eved retains his ability to direct his energies appropriately.

How does this tie in to the harsh punishments God promises to inflict on Bnai Yisrael? It is interesting that Bnai Yisrael had no reservations when they initially freed their servants. It was only after they had released the *avadim* that Bnai Yisrael sought to reclaim them. This is very similar to the regret Pharaoh exhibited soon after Bnai Yisrael had left Egypt. Once they were gone, the cold splash of reality hit him directly in the face – his power had been stripped away. It is this same misguided sense of power that was exhibited by Bnai Yisrael in the time of Tzidkiyahu. Their relationship to their *avadim* had taken on a turn towards uninhibited power. It is clear how such a sense of power could emerge based on the above explanation of the Ramban. And it is the sense of power that was so destructive to Bnai Yisrael. Within the feeling of control over their *avadim* lie the seeds to idolatry. Once mankind views himself as in complete control in this framework, it naturally extends to areas not defined by the terms *adon* and *eved*. The more he feels he is in control, the more his thirst for power cannot be quenched, and the more God inevitably becomes marginalized. The proper adherence to this commandment is more than mere benevolence – it demonstrates man's clear admission of his inherent limitations of control and power. ■



(Better continued from page 1)

## Letters

**Rabbi:** Talmud Sanhedrin101b discusses Hezekiah's Torah education that is attributed to him as having reached the entire world. Yet, his son Mennashe did not turn to God, despite all of Hezekiah's attempts to teach him. What finally brought Mennashe around to following God, was his military loss, his eventual prayer to God, and his ultimate restoration of power through God. This turned Mennashe towards God.

This Talmudic portion commenced with the account of Rabbi Eliezer's illness, and the four elders who visited him. The first three elders offered words of comfort by saying he was better than rain, the sun, or parents. For these three are but in this world, while Rabbi Eliezer is good for the nation of Israel in this world and in the next world. Rabbi Akiva offered a different consolation, "Afflictions are beloved"[1]. Rabbi Eliezer responded, "Strengthen me [help me sit up on the bed] so I might listen to the words of Akiva my student who says 'afflictions are beloved'."

Rabbi Akiva intended to offer his teacher Rabbi Eliezer his perspective of afflictions: they might be painful, but nevertheless, they benefit our soul. It would seem Rabbi Akiva said this as Rabbi Eliezer was stricken with an afflicting illness, that he might use this opportunity for growth. Rabbi Eliezer too, gravitated towards Rabbi Akiva's words, more than the three other elders. Apparently he too saw Rabbi Akiva's point as more intriguing, and perhaps 'beneficial', while the others were only adulations, offering no opportunity for improvement.

We learn that at times, man must endure trials that help him grow. Abraham's sacrifice of his precious son Isaac is an example of the greatest magnitude. Without this experience, Abraham would not have demonstrate in action his true capacity of love for God. Mankind would not have learned that such sacrifice is attainable. But this case is unlike Mennashe, as Abraham possessed no sin or flaw that required "correction". Abraham's case was one of pure improvement, not correction.

Mennashe had to endure his trial, but he rose to a higher level. Joseph and Moses too endured troubles until reaching perfection. In contrast, Jacob saw a flaw in his personality, and was able to correct it through contemplation alone. Thus, he was given the name Israel, indicating his ability to conquer his flaws, without requiring external stimuli.

When one is aware of his shortcomings, he has all he needs to correct himself. But when man is unaware, God may step in – if he is so deserving[2] – to assist in his perfection, enlightening man to areas requiring his correction. But

even at those times, man can disregard God's directives and remain corrupt, as seen with Cain.

However, it appears that in all cases, man must ultimately come to a new, intellectual realization, if he is truly to perfect himself. For "perfection" refers to the realm of our souls, what we are defined by centrally; that which enables us to see truths, and accept with full conviction. Although perfection is measured by our actions and not mere thought, the conviction must arise in our minds.

Which is more lasting and steadfast: experience or abstract conviction? It depends on the individual. But this is a question of the starting point. Ultimately, it is the realization in our minds that something is true, that can offer us unwavering commitment. For even experience does not end with the physical event, but culminates in an abstract truth grasped only with the mind...if we think about it. ■

[1] "For they atone for your sins" (Last Rashi, Sanhedrin 101a)

[2] "For those who God loves, does He rebuke" (Proverbs 3:12) Meaning, God offers rebuke to those who are on the level to act on such direction. Such people are termed "those who God loves". He loves them, since they are striving to love Him.

## Jobless Crisis

Last year we were informed by the National Bureau of Economic Research that the recession was over in June 2010. Seemingly happier times were beginning to take root and the economy, although sluggish, was moving forward.

I beg to differ. With unemployment running at or near 10% and many people suffering severe economic distress, this jobless recovery has inundated our community especially hard as mid to high level jobs have been eliminated, unfortunately the very same jobs that our people occupy in great numbers.

Now more than ever people in your community need your help. Those people who have run out of benefits are now accepting grossly underpaid jobs and are left distressed, depressed and shell shocked. Shalom Bayis is destroyed, short tempers become prevalent and the ability to contribute to the general success of a community is non-existent. Some people are under the wrong impression that the charity or help they have provided in the past is no longer needed and have already moved on to other areas of attention. I am

here to dispel that notion and to once again ask you to ask your members for help.

### What can we do? What can YOU do?

The Gedolei Yisroel from all branches of Orthodoxy have come together and designated that ongoing financial crisis should be on top of each and every community's agenda. From the Chasidish world to the world of YU, from the Yeshiva world to the world of the OU, our leaders are calling for Parshas Mishpatim to be transformed into Parshas Parnossah.

What does that mean?

Speak out to your constituency about the tragedy facing our brethren and:

- *Set up a Gabbai Parnossah in your shul who will approach local businessmen who have jobs and ask them to offer these outstanding jobs to the shul community first.*
- *Disseminate information to help job seekers go to social service organizations to get advice and receive help.*
- *Get people in your community to volunteer their time and expertise, helping the job seekers with their resumes, career counseling, chizuk, etc.*
- *Get involved and motivated and help your shul become a beacon of hope for people in your community.*
- *Feel free to call on the sponsoring organizations for help, or disseminate your jobs to them so they can be posted and filled.*
- *Solicit your business to offer coupons to help reduce the cost of food and services.*

Please get involved. Unemployment affects EVERYONE in the community.

Please help us help them and let's change their lives-forever!

Best Regards,

**Michael Rosner**

International Director OU Job Board  
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## Weekly Parsha



# Mishpatim

**RABBI ISRAEL CHAIT**

*Written by student*

This Parsha contains many laws with respect to inter-personal relationships. We would like to analyze one of these laws, which can help us understand the Torah's perspective of a man's relationship with his fellow man.

The Torah states in Exodus Chapter 23 Verse 5, "If you see the donkey of him that hates you lying under its burden, and you shall forbear to help him, you shall surely help him." The language of the verse is difficult, "ve, chadalta me, azov", "you will cease from helping him". Onkelos explains, the verse should be understood literally. Leave what is in your heart and help him. Onkelos' interpretation affords us a penetrating insight of the Torah's perspective of human relations. The Torah demands that one reject his emotional response. When one sees the donkey of his enemy overburdened, his initial response is to refrain from helping his enemy. However, the Torah instructs us to the contrary. Leave what is in your heart; do not allow your emotions to dictate your actions. Act in accordance with justice and help your fellow man. The Torah is not telling one to deny his emotions. One must recognize his emotions and overcome them. To simply deny and obliterate one's emotional reaction is not the Torah's response. We must recognize and be cognizant of our emotions but realize that it stems from the lower part of human behavior. Accordingly, one must modify his ethical behavior and respond in conformance with the principles of justice.

The greatest danger facing an individual in his struggle for ethical perfection is the external influences exerted by the outside world. The gentile response would be to deny one's emotions. Such denials pose dangerous pitfalls. These denials become construed as virtuous because you are denying an evil emotion, which seems morally repugnant. However, this denial is causing the individual great personal harm. The person by denying any evil proclivities that he may possess is ultimately capable of perpetuating the greatest atrocities. This denial facilitates the performance of terrible cruelty as merely an expression of his G-d like qualities. The crusades perpetrated unspeakable human suffering in the glory of ostensibly virtuous missions, in the name of G-d. The part of man, which is inherently evil and unjust, stems from the corrupt and instinctual component of human nature.

When Jacob wrestled the angel the Torah tells us that he faced a powerful opponent. The struggle lasted late into the night. Chazal inform us that the angel appeared b, demus talmid chacham, the image of a scholar. The evil inclination poses the gravest dangers when disguising itself in the form of the religious emotion. Man must possess great intellectual fortitude and conviction to do battle with such a cunning opponent. Our father Jacob possessed such inner strength.

The Torah is teaching us, by utilizing this halacha as an illustration, that the greatest danger is denying one's emotions. On the contrary, leave behind your emotions and act with righteousness based upon the ideals of justice. When a person is involved in the painstaking task of doing teshuva he must maintain intellectual integrity in encountering his emotions. The greatest deterrent in doing teshuva is when a person fails to recognize the sin because he denies his emotions. The Torah is not simply concerned with the mundane task of helping the individual get back on the road. The Torah is teaching us the essential elements of ethical perfection. One must recognize the influences of his emotions and the powerful exertion it asserts on his conduct. However, the Torah is teaching us that he must leave these emotions behind and act with justice in the face of such overwhelming emotions. A person can feel very comfortable in denying the wicked part of his personality. However, such a denial causes the person irreparable harm. He will profess himself to be virtuous and thus incapable of perceiving any of his foibles. The Nazi's professed themselves as very respectable cultured people, well educated and patrons of the arts. They were incapable of appreciating the depth of their corruption.

The system of halacha is a beautiful G-d given system, which helps man achieve moral perfec-

tion. If a person finds it difficult to perform a Mitzvah it is indicative of a flaw in his personality. The halachic system is a barometer whereby a difficulty in compliance, is a symptom of a weakness in the individual's personality. When a person encounters a difficulty in doing a Mitzvah or following a halacha, it reflects an underlying problem in his human psyche. A person must do teshuva which requires intensive introspection, and if successful can ameliorate the human condition.

Hillel, one of our greatest scholars, stated that the precept of loving your friend as yourself is a qualitatively important Torah concept. Hillel was not merely espousing the human emotion of fraternity. Every individual shares the very powerful emotion that he considers himself to be special. He thereby identifies with people who share common likes and dislikes. His closest clique of friends consists of individuals who share the same emotional attitudes. He thereby imagines that his friends are special and often views his friends as an extension of himself. Hillel was teaching us to guard against such false notions. The standard that a person utilizes when evaluating other people based upon his own emotions is superficial. One's sole criteria for evaluating another person should simply be the person's observance of the Mitzvahs. If an individual observes the Torah, then you have an obligation to love him, irrespective of your own personal feelings. Psychologically you may dislike him and share nothing in common with him, however halachically you must love him. One must elevate his self to live life based upon a higher sense of reality. One must view his fellow man based upon the ultimate reality, not predicated upon his personal and petty likes and dislikes.

A person's sense of pride emanates from the opinion one has of his self. The self is that part of the human psyche, which has likes and dislikes and its essence is molded by said likes and dislikes. Thus people who have similar values he likes because such persons partake of his reality. King Solomon, in Ecclesiastics Chapter 9 Verse 6, states with respect to previous generations that perished: "their love, their hate, their jealousy have already expired..." A person's selfish view of reality is temporal. Halacha demands that a person should function on a higher cognitive level. An individual must be aware that his true essence is a metaphysical essence based upon a system of objective reality. One cannot act upon a system of personal likes and dislikes, whereby his views the self as a personal, psychological essence. The Torah is a system of metaphysical reality. If a person observes the precepts of the Torah, you have an obligation to love him despite one's

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(Mishpatim continued from previous page)

## Weekly Parsha

personal sentiments. If a person's best friend violates the Torah and is defined halachically as wicked, then you have an obligation to hate him. It is not a personal hatred but a hatred, which demands that one despise falsehood.

These observations Hillel emphasized are basic to Judaism. A person's inter-personal relationships must be based upon metaphysical reality. If a person cannot be affable to a fellow man, it is symptomatic of a deficiency in his relationship to G-d. It reflects that the person cannot live his life in accordance with metaphysical reality. This idea is expressed in the prohibitions of revenge and of bearing a grudge. It is forbidden for a person not to lend his neighbor an object because his neighbor acted in a similar fashion. It is likewise forbidden to lend you neighbor an object and state: "I am lending you this object despite the fact that you refused me." Halacha demands that a person live a harmonious existence based upon metaphysical reality. Society cannot live harmoniously if people conduct themselves based upon a psychological reality. True kindness can only be achieved if one is capable of purging his subjective sense of reality, which is based upon identification emanating from his own psychological make up. The sole basis for an individual's conduct with his fellow man should be a metaphysical reality whereby identification stems from ones Torah observance and a sharing of common intellectual convictions. Identification is such a powerful emotion that if one's criteria is a psychological reality, then invariable disharmony will ensue.

"Talmidei chachamim marbim shalom baolam"; "Scholars increase harmony in the world" because they function on the level of a metaphysical reality. Thus, one's personal sentiments are irrelevant and insignificant.

A person that rejects the authenticity of the Torah or the oral tradition, one is obliged to hate him. This hatred is not a personal hatred but is based upon ones love of truth and his disdain for evil. However, that person's children who are ignorant and are not educated in the principles of the Torah are considered pure and akin to those raised ignorantly. One must treat these people with kindness and vigorously attempt to teach them the true ideas. They are not culpable because of their upbringing and must be treated under the principles of loving your neighbor like yourself. The greatest kindness one can manifest to such individuals would be to teach them the true ideas of the Torah. ■

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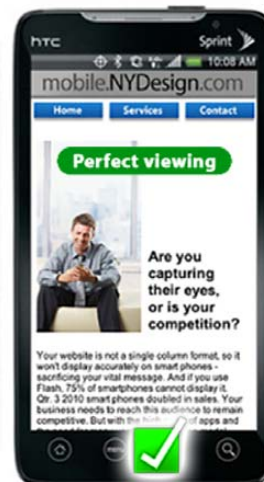
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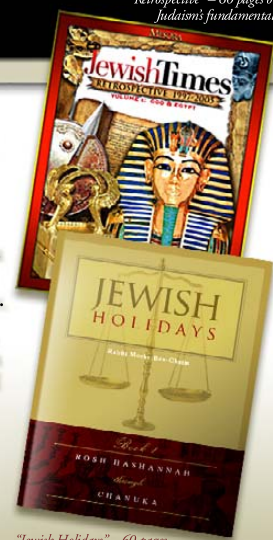
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## Weekly Parsha

## Parshas

## MISHPATIM



## WITCHES



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.

It is this lesson that must remain with us as we continue our studies into this week's Parshas Mishpatim. 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 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

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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. ■



## Parshas

## MISHPATIM



# WITCHES



## & Bestiality

In proving that Noachides are prohibited from practicing witchcraft in addition to their other commands, Talmud Sanhedrin (59b-60a) cites Rabbi Shimon citing two Torah verses: “A witch, one shall not let live. All who lie [perform sexual activities] with animals must certainly be killed”. (Exod. 22:17,18) The derivation is that since the two verses form a single section (parsha) in the Torah, the two commands must be linked. That link being that

since a Noachide is prohibited in sexual deviations, and this verse immediately follows the prohibition to perform witchcraft, therefore, the Noachide is also prohibited in witchcraft. Connected verses in the Torah provide lessons. This makes sense. But we wonder at these two verses. What commonality exists between witchcraft and bestiality, as opposed to others sexual violations? And why is it specifically witchcraft that God chooses to link to bestiality, as opposed to fortunetellers, superstitions, idolatry and all other false, idolatrous beliefs?

The Medrash states that Adam had intercourse with all the animals, but “Adam could not find a mate”. (Gen. 2:20) Of course this is not literal. But what is the lesson? God as well said, “It is not good that man is alone”. (ibid 18) What did God mean?

The Medrash teaches that man sought a partner. However, man’s partner is not simply one that gratifies sexual needs. That is why Adam was dissatisfied with the animals. He didn’t literally have intercourse with all animals: this is impossible. But it means to say that Adam recognized an essential component was missing in the animal kingdom. That component was the psychological identification with another. Animals do not possess a Tzelem Elokim – a soul. This is necessary for man’s attachment to, and enjoyment with his partner.

What does this teach us about one who performs bestiality? It is clear: one desires the sexual gratification alone, without the element of identification, companionship or procreation. Such a deviant seeks to please himself, and no one else. He is abnormal, as he does not seek a union with another human being. The self is the focus. It is all about “me”. Part of the sexual act is man’s appeal to pleasure his partner. This satisfies man psychologically, and it is a healthy emotion. But this deviant has only himself as his sole focus. Bestiality is thereby different than all other sexual deviations, as all others include two human partners. The sexual act is not limited to one person. Let us now understand witchcraft.

What exactly is witchcraft, and how does it differ from all other idolatrous practices? Well, in the base act of idolatry, one assumes a powerless object (stone, metal, animals, etc.) to possess powers. The idolater prays or serves the idol, awaiting a positive result. A necromancer assumes he or she has contact with the dead, but it is the dead person who offers power or knowledge. The same is true of fortunetellers: they say that certain times or fortuitous. And those who follow superstitions assume objects

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or events to be causal, when in fact they are unrelated to the anticipated outcome. Molech is also an assumed power outside the self. In all these cases, one assumes powers to exist. But the witch is different. The witch or warlock boasts powers to be possessed by them. As a witch or warlock, "I" claim to be the cause of future events. "I" possess powers to alter nature.

We now see the unique parallel that exists between bestiality, and witchcraft. In both cases, the "me" is the focus. In bestiality, the deviant sees only the self. He or she seeks gratification for the self, and no other. Witches and warlocks as well live a life where their sense of reality is centered on whatever they fantasize to be true. In both cases, the deviant person suffers from an egomania, in which, he or she creates a reality around their sensual and psychological needs, and assumes this is their objective, and real human existence. They do not examine true reality to determine what is truth. Their sole focus is dictated by the unobserved value on the self, over all else. And when someone lives a life where reality is dictated by ego, God is mutually excluded to a severe degree. So focused on the self are these two personalities, that their lives are no longer justified. Both must be killed. And they are not killed for idolatrous or sexual violations per se, but for the corruption of the soul that is generated by such an attachment to the self. I thank my brother Brett for this keen insight a few years ago.

Maimonides teaches that one must seek a life where one is equidistant from both poles in all emotional spectrums. One must not be greedy, or a spendthrift...but generous to a point. One must not be a glutton or fast at all times, but enjoy food moderately, and when in need. But when it comes to ego, Maimonides teaches that one must never cave into that emotion, but always refrain and be humble. Maimonides teaches that the ego plays no role in our serving God. One who follows the ego to this degree is not living as God desires, and opposes the purpose of human life, where we are to recognize God, and not the self.

This insight, I find most unique, for it further defines two prohibitions in the categories of idolatry and sexual prohibitions, normally viewed as just other deviations of the 'same kind'. It unveils a new facet of human nature. And with this recognition, we may now detect other Torah violations committed because we tend to view the "me" as the sole authority. ■



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