YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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STUDENT SUMMARIES OF SICHOT OF THE ROSHEI YESHIVA

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We wish a very warm mazal tov to Rabbi Zvi Ziegler, who is being honored by Westchester Day School upon his retirement after forty years as a teacher and administrator there. Former students who would like to send greetings to Rabbi Ziegler are invited to write to ziegler@etzion.org.il. Yasher koach and thank you from all your students!

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PARASHAT MISHPATIM

SICHA OF HaRav AHARON LICHTENSTEIN SHLIT"A

A Covenant of Study and Justice

**(Berit Ha-agganot)**

Adapted by Dov Karoll

Moshe told the people all that God had said, and all the laws, and all the people answered, "All that God has said we will do - *na'aseh*."

Moshe wrote all the words of God, arose in the morning and built an altar under the mountain, and built twelve pillars for the twelve tribes of Israel... And Moshe took half the blood and placed it on the basins, and sprinkled half the blood on the altar. He took the book of the covenant and read it in the ears of the people, and they said, "All that God has said, we will do and we will hear, *na'aseh ve-nishma*."

Moshe took the blood and sprinkled it on the people, and he said, "This is the blood of the covenant which God has made with you for all these things." (Shemot 24:3-8)

 When does this event take place? Rashi (24:1, s.v. *ve-el*) explains that it took place before the revelation at Sinai, on the fourth of Sivan. This assertion by Rashi is predicated on the principle of "*Ein mukdam u-me'uchar ba-Torah*," that the Torah does not necessarily present narrative in chronological order. But even granting that, one still needs to ask why the Torah presents the story out of its chronological place, and what lesson it teaches by placing this episode here.

Ramban (24:1, s.v. *ve-el*) explains that this event took place after the revelation at Sinai described in *Parashat Yitro*, and after Moshe taught the people *Parashat Mishpatim*. The covenant was made over *Parashat Mishpatim* as well as all that had preceded it.

Why is this ceremony separated from the revelation at Sinai and the Ten Commandments? The Rambam (*Hilkhot Issurei Bi'a* 13:1-3) cites the process of entering the covenant described in the book of *Shemot* as the prototype for the conversion process throughout the generations. It involved three steps: berit *mila* (circumcision), *tevilla* (immersion in a mikve or ritual bath), and *hartza'at korban* (spilling the blood of an offering). In later generations, these stages would all come together. Why is the offering delayed until after *Parashat Mishpatim*?

It would seem that the "conversion" process of the Jewish people could not be complete until they accepted the laws contained in *Parashat Mishpatim*. There are two reasons for this. First, although the experience of revelation at Sinai was very powerful, it was incomplete from the perspective of Torah study. There was a need for the incorporation of laws, of *mishpatim*, to the system in order to impart a greater appreciation of the meaning of accepting the Torah. *Berit ha-agganot*, the covenant of the bowls, was made only after the Jewish people had been given a chance to internalize the value and content of the *mishpatim*.

There is a second, related aspect contributed by the addition of *mishpatim* to the covenant. This week's *parasha* begins, "And these are the *mishpatim*, laws, you shall place before them" (24:1). In this context, the Midrash (*Shemot Rabba* 30:12) then cites the verse, "Yet they [the nations] do not know the *mishpatim*, the laws" (*Tehillim* 147:20). How can this be? The gentiles do have systems of justice! Yet, as the Torah states at Mara, "He [God] set up laws (*chok u-mishpat*) for them there" (*Shemot* 15:25): God is the source of our *mishpatim*. Though the *mishpatim* "merely" regulate social interaction, as in damages and torts, they are of divine origin and are part of the covenant.

The two aspects of *mishpatim* – Torah and justice - need to operate together. The Midrash (*Shemot* *Rabba* 30:13) cites the verse in *Mishlei* (29:4), "A king will establish the land with *mishpat*," and first associates the verse with God. It then cites another derivation that Yehoshafat, by judging properly, fulfilled this verse as well.

In citing the continuation of that same verse, "And the man of giving shall ruin it," the Midrash explains that this refers to a person who knows the laws, but when an orphan and widow come to him for judgment, he tells them, "I am busy with my learning and not available." By focusing on one aspect of *mishpat* (namely, Torah study), he neglects the other (namely, justice). For doing this, he is condemned harshly by the Midrash: it is as if he destroyed the world.

 We must inculcate both messages, and not, God forbid, shirk either of these awesome responsibilities. Practically, these values may sometimes clash, but it is essential to maintain the centrality of each. This duality is the lesson of *Parashat* *Mishpatim*. In order to be worthy of entering into God's covenant, the nation needed to internalize both lessons: the need to study and analyze Torah thoroughly, along with the need to build a system of justice and maintain civil society.

 Against this backdrop, and after undergoing this process, the Jewish people are ready to enter into God's covenant and to pronounce, with a fuller understanding, "*Na'aseh ve-nishma*, we will do and we will hear." The proclamation of "*Na'aseh ve-nishma*" is not a blind acceptance of God's word, but rather an acceptance based on an appreciation of the basics of the system, predicated on having internalized some of the core values and contents thereof.

[This sicha was delivered on leil Shabbat, Parashat Mishpatim 5762 (2002).]