



# EVEN SHESIYA

THE TORAH OF HARAV YOCHANAN BECHHOFFER  
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## Mishpatim - The Inside Track

### Mishpatim & Mizbe'ach

After the command not to ascend by stairs to the Mizbe'ach at the end of last week's parsha, we are commanded to bring our civil and monetary disputes before the Jewish Dayanim ONLY. From the juxtaposition of these commands we learn that we are commanded to put the Grand Sanhedrin by the Mizbeach on the Temple mount. What is the significance of that Halacha? **Why there?** Regarding the prohibition to bring our disputes before gentile judges: If we would write up the Shulchan Aruch to read like a secular code of law that a gentile judge could understand, **why is it still prohibited to go before a gentile judge for judgement even if he will use Jewish law as the basis of his ruling?**

### Goyim & Mishpatim

The Midrash Rabba says that Hashem loves the "Mishpatim"- the monetary and civil laws in this week's Parsha, and he loves the Jewish people and therefore he gives the "Mishpatim" to the Jewish people and that's what the Pasuk says () "He says his words to Yaakov His 'Chukim' and 'Mishpatim' to Yisroel". The pesukim goes on to say () "He did not do so for any other nation and his 'Mishpatim' they do not know..." and this Pasuk also serves as one of the sources of the prohibition to teach a gentile Torah. The obvious question is: **one of the seven laws of the B'nai Noach is that they have to set up a judicial system and mete out judgement! Why is it called that "they do they not know Mishpatim"?**

### Bris Milah Matan Torah & Dayanim

After Avraham Avinu went through his single most transformative experience and did Bris Milah Hashem comes to visit him. Avraham wanted to stand but Hashem told him to sit as a sign for his future descendants the Dayanim will sit and **Hashem stands in their midts**. Why would Hashem want to drop a allusion to the Dayanim after the most transformative experience Avrah Avinu ever had? What does it mean that **Hashem stands in their midts?** This happened again with the giving of the Torah. This was the greatest transformative experience in history, making cosmic change! Torah that was in the highest place of Heaven is now on earth in the Jewish people. Right after that we are giving the command to set up the judges and the whole system of monetary and civil law.

### Who needs 'Matan Torah'?

The answer to all these issues lays in a much more fundamental question. The "giving of the Torah" means the Torah changed places and is no longer in Heaven. Why was that necessary? Let the Torah remain in heaven and let Moshe just teach us what is written in that Torah! Why did the Torah have to change places? Why couldn't we have the wisdom and the laws of the Torah without the essence of Torah moving to Earth? The Avos kept all the Mitzvos without 'Matan Torah' – why do we need it?

### Beis HaMikdash or Beis HaMedresh?

After giving the Torah, Hashem says () "anywhere where My Name is mentioned I will come to you and bless you" that literally is referring to the Beis HaMikdash where the

kohanim actually recite Hashem's Name as it is written and the Mishna in Avos says it also refers to "even one person is learning Torah the Divine Presence is with him." The midrash Rabba in parshas Teruma explains that **once the Torah shifted position the Divine Presence has to follow it to Earth and that's what makes the "holy space" of the Beis HaMikdash and the Divine name can be pronounced as written.** There's no contradiction between that and what the Mishna in Avos says: "even one person learning Torah the Divine Presence is with him". The Divine presence is on Earth, in the Beis HaMikdash all the time, and with a individual whenever he's learning, because when Torah came down to earth it brought the Divine Presence with it. This is the secret behind what Chazal say () "ever since the Beis HaMikdash was destroyed all Hashem has in his world is the four Amos of a person's learning" **Although because of our sins the Divine Presence that "Came down" because of Matan Torah may have left the site of the Beis HaMikdash, however, active Torah learning still brings down the 'Shechina'!**

#### **Own It!**

It goes deeper than that. All citizens are obligated to obey the law of the land, but the "Law" is not in their hands. The "law" is in the legislator, the citizens must comply with it. However, **through Matan Torah, even though it's Hashem's law, He literally put "His Law" in our hands!** If the Torah would have remained in Heaven then of course we could have received orders how to conduct ourselves in line with what the Torah says in Heaven, and that was how the Avos fulfilled all the 613 mitzvos before the Torah was given. **The Avos were living in a manner consistent to what the Torah in Heaven says, but they did not actually have the power of Torah in their hands.** What is the difference? **It is the difference between being in step with reality and controlling reality.** From the Torah Hashem created the world. All the laws of biology chemistry and

physics are rooted in Torah law. **When Hashem gave us the Torah he was giving us the power of creation itself.** This is the secret behind what Chazal say () "any Dayan that judges a true judgment is a partner of Hashem in creation". The laws of the Torah are the "power source" for the laws of nature. **Chazal were only speaking regarding the Jewish judges who have the essence of Torah in their hands.** The Divine presence is wherever the Torah is, **the Dayanim have the Torah flowing through them therefore Hashem's Divine presence stands amongst them!** That's why the highest Rabbinical court has to be in the same place as the Mizbe'ach where the Divine presence is constantly and most revealed.

#### **613 vs 7 - a Qualitative Difference**

There is a categorical difference for Avraham Avinu between his Bris Milah and all the other Mitzvos he kept. All of the other of the 613 mitzvot that he kept (above and beyond the 7 Mitzvos of Bnai Noach) he did so not because he was commanded. This means that those words of Torah that mandate those Mitzvos remained in Heaven and he was aware of what's written in Heaven. Hashem wanted to change his status by **actually commanding him in Bris Milah which set the tone for how our 613 mitzvos are different from the goyim's 7 Mitzvos.** We have the essence of the Torah in our Mitzvos, **whereas by the seven Mitzvos of Bnai Noach they just got commands that came out from the Torah but they do not have the essence of the power of Torah in their 7 Mitzvos!** This is the secret behind what Chazal say() "...in the future all the mitzvos that the Jewish people do will bang the goyim between the eyes as it says 'for it is your wisdom and understanding' in the eyes of the nations". Rav Yitzchak Isaac Chaver explains **Our Mitzvahs are more powerful than theirs, even those 7 Mitzvos we have in common with them,** because we have the 'wisdom and understanding' of Torah in our Mitzvahs meaning **we have the mind of Torah within**

**our Mitzvos!** “Matan Torah” means Hashem gave us the infinite Divine wisdom of the Torah which truly authorizes and empowers the Dayanim to make ‘Real True Rulings’ that’s what it means “he stands amongst the Dayanim” and they are “partners in creation”. Avraham Avinu had one that he was actually commanded directly by Hashem, a precursor for Matan Torah, and that was Bris Milah and that set the tone for the difference between Jew and goy. Just like Bris milah is **a sign within the flesh** that we belonged to Hashem so also all the Mitzvos that will be added to the Jewish people after Bris milah will be Divinity within the flesh, **not just commands that came from Heaven, but rather Heaven within our bodies.**

### **Connect**

As is well-known the term Daas in Hebrew also means ‘to know in the biblical sense’ i.e. to be connected. Hashem told us his ‘chukim’ and ‘Mishpatim’ but these mishpatim the goyim are “bal y’da’um” they’re not connected to them. This is certainly the case in the civil laws that they make up themselves for ‘social contract’. However, even when they do conduct their civil and monetary laws in line with what the Torah commands the Bnai Noach, even then, they are just dictates that they must obey, **they don’t have the cosmic power of Torah flowing through. They can never be ‘connected’ and be on the ‘inside track’ of improving themselves and improving the world.** They are **forced** by the judicial system or Divine intervention to be in accordance with what’s written in the Torah, **but they are not living out the Torah with the life-force of Torah flowing through them.**

### **Pain vs Pleasure**

What is the difference between pain and pleasure, between kindness and cruelty? It is the difference between when you do something by choice and with understanding versus when it is forced upon you and/or when you do it without understanding. **The Jewish**

**people are on the “inside track of Divine law”,** we have the essence and **MIND** of the law flowing through us - **we’re not living in accordance with the law, we are living the law!** That only brings us joy, satisfaction, and peace. Chazal say: if we do Mishpatim on Earth avenging law will not come down from Heaven! Only when we do not voluntarily and knowingly live by the Torah law Hashem has to force us and being forced from the outside is pain. The goyim are not privileged to be on the ‘inside track’, even in Mitzvos commanded to them, they only have the command, not the essence of the law. To them, it seems like they’re just being pushed around whether by law enforcement, the judiciary, or the Divine Providence will push them around to adjust things. **We have the privilege to be living the law as our choice and our understanding which is “pleasure” and makes us the vehicles to bring Divine Law & Order to Earth.** This is only true if we stand judgement by the Jewish judges who are vehicles for the essence of Torah. **The gentile judges cannot be vehicles to “live the law” – even if their ruling happens to be in accordance with Halacha you are still on the outside – imitating the law as opposed to living it, which is to detach yourself from your special standing as Jew from the chosen nation that HAS the Torah.**

