

Walk through the Parsha

with **Rabbi David Walk**



MISHPATIM

A Torah of Chesed

I don't know exactly how to translate the two Hebrew words in my title. Torah is a complex concept. It means what the world calls the Bible, but it also means all the material written by our Sages to interpret that text. However, it is even harder to render the term CHESED. I mean people say 'kindness', but it also means 'righteousness' and 'generosity' and 'philanthropy'. It's a little bit of a mystery.

How to be a CHASID (not the Eastern European model, but the Biblical ideal) is actually a controversy which touches on this week's Torah reading. This week we read in chapters 21 through 23 a very detailed list of very dry laws, mostly dealing with the smooth running of a society. One section of this 'list' deals with injuries sustained by a neighbor or their possessions through the actions or possessions of another individual. These laws are called N'ZIKIN (damages) and are the source material for the tractates called Bava Kama, Bava Metzi'a and Bava Batra. These were originally one super tractate called (Surprise!) N'ZIKIN.

Here's the famous debate about

being a CHASID: Rabi Yehuda said: 'he who wishes to become pious (CHASID), let him fulfill the matters of N'ZIKIN; Rava said one should fulfill the matters of B'rachot (blessings)', and some say 'let him fulfill the matters of Pirkei Avot' (Bava Kama 30a).

What are they arguing about? The Slonimer Rebbe wrote an outstanding essay on this topic and presented two powerful traditions concerning this famous rabbinic argument. The first idea was presented by the Shnei Luchot HaBrit (Rav Yehoshua HaLevy Horowitz, 1565-1630). He explains that the four categories of N'ZIKIN (derived from our parsha) describe four types of personality issues which can negatively impact upon our efforts to be pious:

1. Damages by an Ox (SHOR) symbolize arrogance or haughtiness;
2. Damages by a Pit (BOR) symbolize despair or depression;
3. Damages by Teeth (SHEIN, crops eaten by an animal) symbolize desires;
4. Damages by Fire (EISH) symbolize the Evil Inclination.

We begin looking at these dry laws in a novel way. They represent indicators about societal needs and norms. But the Slonimer Rebbe wasn't finished. He explains the positions of the three Rabbis in the original argument. Rav Yehuda, who claims

that one becomes a CHASID through fulfilling the rules of N'ZIKIN, further explains that these laws help a person to become at peace with one's fellow man or neighbors.

Then he explains that Rava believes that the laws of B'RACHOT contribute to one becoming a CHASID because these laws contribute to one becoming closer to God. A CHASID is one who is SHALEIM or at one with God, through reciting blessings and prayers. Then the anonymous Rabbi who claims that one becomes a CHASID or 'pious' through the study of Pirkei Avot which informs us how to be true to ourselves. Everyone must be comfortable in their own skin.

So, each of our ancient Rabbis is presenting a different viewpoint of what makes a person a CHASID. Is it one's relationship with God, one's neighbors, or with oneself? I would like to think that the genuine CHASID is one who is adept at all three of these critical areas of human relations, and that is the position of the Maharal MiPrague.

But the Slonimer Rebbe still has one more question to deal with, and it is based on the fact that we normally describe a CHASID as one who goes beyond the letter of the Law. However, the one who pays the damages caused by his digging, his animal, or his fire is legally respon-

sible to pay for those damages. So, that's not behavior beyond the letter of the Law; that is exactly the letter of the Law.

The Rebbe explains what Rabi Yehuda's position really is: Rabi Yehuda is teaching us that to truly achieve this greatness in N'ZIKIN requires us to do things not required by the law. We must take extra steps to make sure that we prevent injuries of any kind to others, before they occur. The entire idea of CHASIDUT is to go beyond the letter of the Law, and Rabi Yehuda emphasizes that aspect of N'ZIKIN.

Rabi Yehuda wants us to invest great energy in making 100% sure that we never cause injury to another. The Slonimer suggests that he bases this on another Talmudic statement: The early pious ones buried pieces of glass or thorns to a depth of at least three handbreadths...

Clearly, we see that to be a CHASID means to go to extreme lengths to make sure no harm is caused by him. The Torah expects no less from an aspirant for the status of CHASID.

There are many people who read this week's parsha and can't help but feel a yawn coming on. After the exciting readings of B'SHALACH and YITRO, these legal issues seem boring, but they're missing the point: We must be careful of the minutiae of legal niceties to have a moral society.

We need these rules for the smooth running of an ethical state. After all, we are committed to building an OLAM CHESED (a righteous world - T'hilim 89:3). The Bartenura explains building a 'righteous world' means regaling brides, visiting the sick, interring the dead, comforting mourners, and the like. Rabbi Sacks explains that OLAM CHESED means more than just performing these good deeds. He explains that CHESED entails 'acts of extraordinary kindness'. This always means 'greater measure than due'.

The Ba'al Shem Tov adds that our acts of CHESED draw down forces of loving-kindness from God into our world. And that's what we truly desire. Since God built our world with CHESED; we must maintain it with CHESED. Then we can truly become partners with God in this enterprise of building a wonderful world, and an OLAM CHESED! 