

תורת אביגדור
הגאון ר' אביגדור מיללער זצ"ל

Rav Avigdor Miller on the Parsha

Adapted from his Tapes, Seforim and Writings of Talmidim

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This week's booklet based on Tapes:

#406 - Derech Eretz | #455 - First Rung on the Ladder of Perfection |
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בעזהשי"ת

פרשת משפטים

With Rav Avigdor Miller ztz"l

Preface to Chassidus

- Part I -

A Fitting Sequel | 1

- Part II -

Authentic Chassidus | 6

- Part III -

The Result of Studying | 12

Part I. A Fitting Sequel

THE MOST SPECTACULAR EVENT IN OUR HISTORY

The greatest event in the history of our nation, the most remarkable spectacle that the *Am Yisroel* would ever witness, was *Matan Torah*. We stood at Har Sinai and we saw what nobody before ever saw. הנהיה כדבר הגדול הזה או הנשמע כמוהו השמע עם קול - "Has there ever been any such thing like this great event or has anything like it been heard?! Has a people ever heard the Voice of Hashem speaking from the midst of the fire as you have heard, and survived?!" (D'varim 4:32). Even Avraham Avinu, the great thinker and philosopher, the man who discovered Hashem against all odds, wasn't *zocheh* to such a spectacular display of Hashem's Presence. It was so remarkable, an experience so sensational, that נפשי יצאה - "Our souls left our bodies when we heard His word" (Shir Hashirim 5:6). And the Gemara says (Shabbos 88b) that they all fell down dead. And here we'll understand that to mean that they all fell down in a faint. They fainted in fright and they had to be revived.

When they heard that tremendous voice, the words אנכי השם אלוֹקֶיךָ, it was an experience of the greatest love and yearning for Hashem that our nation would ever experience. Thereafter,

forever and ever, the memory of that great day is etched into our minds; and it will always be the focus of our nation's yearning. ישקיני מנשיקות פיהו - "Kiss me with the kisses of Your mouth," we say to Hashem (Shir Hashirim 1:2). The deepest desire of the Jewish nation is to experience a second encounter of that kind. והוא ישמענו שנית - "He should let us hear His voice a second time." Our greatest desire is to experience again that great moment when we heard the thundering voice of Hakodosh Boruch Hu: "I am Hashem your G-d."

WE WERE READY FOR EVERYTHING

Now, after this was all over, at the conclusion of this glorious experience, there's no question that the people were on a very high level of enthusiasm. It's certain that the *Am Yisroel* felt the highest emotions of dedication to Hashem. Their minds were attuned and prepared now for the greatest of ideals, and they expected now to hear who knows what kind of instruction in walking the path towards Hashem! The greatest ideals and attitudes, the deepest of Torah secrets and the mysteries of our purpose in life - perfection in all of its details. That's what they were expecting. After all, Hakodosh Boruch Hu, the Master of the Universe, had just come down on Har Sinai to rendezvous with His chosen people and to prepare them for their historic future as the one nation that would serve Him until the end of all history. And the *Am Yisroel* was on such a high that they were ready to accept it all. נעשה ונשמע - "We want to do everything! Just let us know what is the path that we should walk on in order to delight in Your Presence forever and ever, and we will run in haste down that road."

And so what happened then? What followed *Matan Torah*?! A remarkable thing! - ואלה המשפטים אשר תשים לפניהם - "And these are the statutes that you, Moshe, should place before them" (Shemos 21:1). Laws of dealing with your fellow man; all forms of damages, and the monetary relationships with those around you. We sit down to learn *Mishpatim* with *peirush Rashi* and we're reading a *law book*! The dry details of how to treat your fellow man's property; his cows and his sheep, his shirt and his land. All the various payments for bodily injury, and the laws of torts and contractual agreements. *Parshas Mishpatim* is famous as the source of *dinei mamanos* and *nezikin*.

IS THIS ALL?!

And that's a big question. What's *Mishpatim* doing over here? These aren't the high ideals that we were waiting for! Is this what we accepted the Torah for?! We had just heard the Voice of Hashem! The booming thunder, the bolts of lightning and the smoking mountain! We saw the Presence of Hashem with our own eyes! And for this?! Just to hear these mundane monetary laws?! It's a remarkable fact that this was the introduction to their relationship with Hakodosh Boruch Hu. The details, the minutiae, the petty claims and counterclaims of a man and his fellow were the first things that they heard from Hashem after the great event of *Matan Torah* - just at that very moment when their hearts were open to everything, ready to hear the most sublime ideas. I don't know about you, but I think it's a big question.

Let's say a *ba'al teshuva* comes into yeshiva for the first time. And so, he'd like to hear about ideals; he'd like to be taught noble aspirations and life-changing attitudes. That's why he came in, because he's an idealist. And instead, what does he get? The first book they give him is *Bava Kama*! He wanted ideals, and instead he's being treated to a course in contracts and torts. He's looking for Hashem, and instead he finds laws about what happens if one's animal trespasses into his fellow man's field and eats some of the grain. Or, if you leave your wine barrel in the public path, and someone's camel falls over it. And it's endless; it goes on and on. Sometimes there's a little oasis of a few lines of *agadata* by which he can refresh his *neshama*. A *ba'al teshuva*, any idealist, loves that. And he's waiting for it. Sometimes it seems to him that all the rest of it is unnecessary. "If only we could skip over all of this, and just spend our time on the noble ideals." That's what he's thinking.

A SEVENTH OF THE TALMUD

But you find in the *Gemara* that *agadata* is only one seventh of the *Gemara*. The other six sevenths is taken up by practical questions and technicalities. And it takes up a lot of space. It boggles the mind how much time and space is devoted to details and sub details - minutiae of damages. *Bava Kama*, *Bava Metziah*, *Bava Basra*! Three big *mesichtas*! And young people spend their lives studying them. Years go by. They could have learned *middos tovos* in that time. They could have learned *Mesillas Yesharim* or

Chovos Halevavos in that time. We lose out on so many great things because of the time spent in the three *Bavas*.

I remember years ago I met a Jewish street cleaner. He was dressed in a white uniform, and he was pushing a barrel on wheels and holding a brush. He saw me on the street and he stopped to talk to me, to tell me that his grandchild had started in a *yeshiva*. But he was bothered: "I'm surprised," he said. "My grandson is being trained to be a lawyer! They're studying law!" "What kind of law?" I asked him. So he was telling me. He was explaining to me the beginning of *Bava Kama*, the first *mishnah* about if a man sets a small fire and a wind comes and the fire spreads to his neighbor's field.

Here's this little boy, and his mind is being occupied, cluttered up, with a *shor* and a *bor* and a *mav'eh* and a *hev'er*; all the *avos nezikin*, and *toldos*, and all the details of damages. And it's not merely that one *yeshiva* has this system. It's the system of the Jewish people. And we do that because this was the system that Hakodosh Boruch Hu first showed us when He gave us the Torah. It was *Matan Torah*, and right away, *Mishpatim*!

THE FIRST RUNG ON THE LADDER

Now, certainly *Matan Torah* opened up for the *Am Yisroel* a vista of *shleimus*; a new horizon of lofty ideals and noble attitudes. Absolutely it did! The Torah is a ladder that is ראשו מגיע השמימה, all the way up to the heavens. Great ideals of the mind, perfection of character, and *kirvas Hashem*; it's all included in what the Torah teaches us and obligates us. But what we're learning here is that *Parshas Mishpatim* is how to get there! The very first rung of the ladder *ad la'shamayim*, is to learn about *nezikin*. And it's going to be the attitudes that we mine from *Parshas Mishpatim* that will guide us all of our lives as we come close to Hashem. What comes afterwards is certainly a good thing, but *the first rung is nezikin*. *Mishpatim* is the necessary beginning, the foundation of all greatness.

But the question we have to ask is, *why is this so?* Why is it that in order to begin a career of devotion to Hashem, you have make it your business to be very cautious about *mili d'nezikin*, careful with your fellow man's safety, and the safety of his

property? Why is *Parshas Mishpatim* the first rung on the ladder, and the foundation of *avodas Hashem*?

RECOGNIZING THE REAL BOSS

And so we'll explain as follows: The preface to living a life of awareness of Hashem is the knowledge that this world is not *hefker*; we have to realize that even to walk on the face of the earth, we need permission. **להשם הארץ ומלואה** - "The earth and everything in it all belongs to Hashem." Only that, **והארץ נתן לבני אדם** - "He gave us permission to walk on it, and to use the things in it." But we have to realize that *it is He* who gives us permission. And He gives us permission only with certain conditions, most of which are included in the *mili d'nezikin* of *mishpatim* and *dinim*. Certain places you can't walk, and certain things you can't use. You can walk only where He permitted you to go. You can use only what He allows, and only in the way He allows. Suppose that something belongs to somebody else, so you have no right to walk into his territory, or use his property, because Hashem didn't give you permission. Wherever you walk, whatever you use, you must always be careful to follow His guidelines.

Mishpatim teaches us that when a person uses what is not his, he's actually taking what Hakodosh Boruch Hu owns. When he's not careful with other people's property or selves, then he's making his way in this world without the permission of Hakodosh Boruch Hu. And therefore before any step that you make in this world, any dealings you have with somebody else, or somebody else's property, you must be aware that you're dealing with somebody much bigger than you imagined. If you eat what belongs to somebody else, you are robbing Hashem. If you walk on somebody's property without permission, so it's also Hashem who didn't give you permission; you're trespassing on Hashem's property. He only permitted that man who made a *kinyan*, the one who acquired ownership, to use His things; anybody else has to be very careful.

WHEN MONEY IS SACRED

What we're saying now is that private property is a sacred foundation of the Torah because it includes the Awareness that everything belongs to Hashem. Private property is really Hashem's property. As far as you are concerned, this man's property is Hashem's property. And even if you have permission

to use something, or to go someplace, but if you use it in a way that the owner doesn't want, so you're sinning against *the real Owner*. And if you're a *shomer*, if you're guarding something that belongs to someone else, so you're guarding Hashem's property. And if you're not careful and you cause damage to someone else's property, you're sinning against the property of Hashem.

And therefore to be aware *all the time* about how you are treating this man and that man, and about how you are treating your neighbor's property and your friend's objects, means that you are keeping Hashem in mind *all the time*. Because it's impossible to be as careful as the Torah expects, it's impossible to fulfill the details that the Torah demands of you, unless you are aware that Hashem is always watching and that He is making these demands of you. *Parshas Mishpatim* is full of examples, full of warnings of how careful a person must be, and all of them are models for any form of damage that a person might cause someone else. And if you want to be a success in this world you will have to be on constant guard to never cause any harm. That's step number one. And so, *Mishpatim* is the foundation of Awareness of Hashem in our lives at all times, and it is therefore the foundation of all *avodas Hashem*.

PART II. Authentic Chassidus

HOW TO BECOME A CHOSSID

This is why the *gemara* in Bava Kama says: מאן דבעי למהוי - "If someone wants to be a *chossid*, a pious man, let him fulfill the things of *nezikin*, of being careful with other people's money and body." (Bava Kama 30a). Now let's pay attention to these words, מאן דבעי, a person *wishes* to be a *chossid*. It doesn't mean that if a person is very careful not to harm anyone, that he's considered a *chossid* already, no. Even though you were always on guard and you never caused anyone any harm whatsoever, you're not a *chossid* yet. You might need much more to become a *chossid*. But מאן דבעי, if you want to *become* a *chossid*, *this is the first step that you must fulfill*. You must learn to be constantly aware of Hashem, aware enough that you are always on guard to protect your fellow man and his property against any injury that could happen.

It's a great principle that you're hearing right now. If you want to reach the summit of perfection, if you want to be a *chossid* in the eyes of Hashem, it starts with being careful with your fellow man's property. For some of us, this may seem exaggerated. Suppose someone would ask you, "What's a program for me to become a pious man?" With our little heads, with what we know, we would say, "Well, first on the list is fasting. A lot of fasting!" But it doesn't say a word about that over here. Maybe a *chossid* fasts as well, I cannot tell you, but not a word is mentioned in this *gemara* about fasting. Who knows what kind of a program we would think up if we were asked to decide! It's lucky that we didn't have the chance to put anything into the *chumash* and into the *gemara*. Because מילי דנזיקין would be all the way on the bottom of the list.

BREAKING IN TO STUDY TORAH

There was once a boy who wanted to enter my shul to study Torah. The door was locked, but he was a dedicated boy, full of enthusiasm, so he was trying to make his way in through the window. I happened to come just as he was breaking the window. He didn't intend to break it; he was just trying to force it open, but it broke. Now a window costs money, but I didn't say anything. He was a yeshiva boy, a sixteen year old boy, so I kept quiet. He should have paid, but I didn't say anything.

A few months later, I met him on Church Avenue on Shabbos. And he's all dressed up in a *chassideshe kapoteh*. With silk lapels; beautiful! It's a beautiful thing to honor the Shabbos. Now, he wasn't a *chossid*; he didn't come from such a family at all! He came from Canarsie. I don't even know if his parents are *shomrei Shabbos*. But that was his idea of being a *chossid*. He wanted to wear a *chassideshe kapoteh*. Nothing wrong with that, but it costs a lot of money. These *kapotehs* can cost a small fortune. Silk lapels! And I was thinking to myself, "That's his idea of being a *chossid*? Because the *gemara* has other, less fanciful, ideas. מאן דבעי למהוי ליקיים - someone who wants to be a *chossid*, the first thing is ליקיים מילי דנזיקין - he should fulfill all of the details of never doing any sort of damage. If you want to be a *chossid*, you should be thinking all the time about what you're doing. A *chossid* thinks before he pushes on somebody's window so hard. And if he breaks it, he pays for it."

THE PSHETEL-SAYER

There was a man, a *talmid chochom*, who always met me on the street and he told me his *divrei torah ba'arichus*, long *pshetelech* he would recite for me. I would see him from a distance, and try to hide from him. But often he caught hold of me and each time he did, he told me his *pshatim*. I never told him my *pshatim*! And one day I heard that a grandchild was visiting in his house and she fell out of the window. *Ay yah yay*, a terrible tragedy it was! But I saw that this man never began to learn the elementary principles of Torah. He was already involved in *sisrei Torah*, in delving into *pesukim* and telling me secrets that the *possuk* is *mirameiz* - the plain *pshat* was no longer interesting, because he "knew" that, certainly. So he was going into secrets of the Torah. But here is the most open lesson of the Torah and he has overlooked it. He forgot that Hashem is watching him all time and making demands of him; he forgot that he has to always be on guard. How can anybody allow a little child into his house unless he first ran to inspect if the windows are locked shut - or that window guards are properly installed?! With all the *pshetelech* you know, it didn't occur to you that you're a *shomer*?!

What we're seeing now that *nezikin*, not to damage others people's things, is a great responsibility because it demands constant Awareness. It's only possible to fulfill these *dinim* if you keep Hashem in mind always. "Because if you were aware of Me always," says Hashem; "If you would train yourself to always be aware that I'm watching you, you'd be careful. And if you're not practicing being Aware of Me all the time, then it's impossible for you to succeed in this world, it doesn't matter how big of a *talmid chochom* you are."

THE SINNING TZADDIKIM

Imagine you're a man who is going before *Pesach* to distribute packages, parcels to needy families. So you step into your car and you're loaded down with various packages - *matzo*hs, bottles of wine and other things. You're a special fellow! You must be, because you're taking from your own time, and your own money, to help others. And you're in a hurry - you have a lot of good deeds to accomplish. So you're speeding through the streets. "Ohhhh! You're speeding now," Hakodosh Boruch Hu says. "That's worse than if you hadn't delivered any packages at all."

You're endangering people. There will be a much greater punishment for that, for endangering other people, than for not being a *goimel chasodim tovim*. The very first thing that's expected of you is not to transgress any *nezikin*. What comes after that is certainly a good thing. But *nezikin* is the most basic responsibility you have.

And the father who is *mechanech* his children in the *mitzvos* of *Chanukah*. Every child must have a *menorah*! He wants to be from the *mehadrin*. And even the smallest child is standing in front of his *menorah* being trained to say that *brachos* and light the candles. It's beautiful! But then the father walks out the room. He's a *rasha*! He's not a *chossid*, and he's not a *mehadrin*. He's a *rasha gommur*. A real *rasha*, not a half-baked one. And if you tell him that, you'll earn a lifelong enemy. "You call me such a name?! We're all *ovdei Hashem* in this house. Look how much we're *mehader* after mitzvos. Even the little children are being *m'chunach*, being trained to light *Chanukah* candles." And so we tell him, "No my friend, you're looking at the top of the ladder, but you're forgetting about the first rung." Because *nezikin*, *bein adam l'chaveiro*, being careful not to harm somebody's body, his life, his property, and his feelings, is the very first consideration.

HOW TO LIVE AND HOW TO DIE

And our great people always lived that way. They climbed the ladder of perfection one rung at a time. And even when they stood on the highest rungs, they never let go of the first steps they took. When Reb Zelmeleh Volozhin, the brother of Rav Chaim Volozhin, was on his deathbed, people came to visit him. And they found him lying on his bed and learning Torah without stop. This is how it's described in *Toras Ha'adam*: Reb Zelmeleh was very weak - he was at the last moments of his life - so the people there said to him, "Our dear Rebbi, please take a rest. You're so tired and weak." So he said, "I can't stop; it's a *Gemara*. זאת התורה אדם כי ימות באהל, אפילו בשעת מיתה תהא עוסק בתורה" - "Even in one's dying moments, he should be learning Torah" (Shabbos 83b). So Reb Zelmeleh kept on learning.

"But I want to get up out of bed," he said. "Because *Chazal* say that a person should spend one third of his time sitting, one third standing and one third walking (Kesubos 111a). So I want to get up and walk a little bit to fulfill this *gemara*." Now, Reb

Zelmeleh was very weak; he was on his deathbed, and he couldn't get up without a cane. But he didn't have one. "Oh, there's a cane; right here in the corner! Take this cane; here take it" they said to him. But Reb Zelmeleh said, "No, no, I can't take the cane. It doesn't belong to me." השואל שלא מדעת גולן הוא - "Someone who borrows his friend's object without permission is a robber" (Bava Metziah 41a). So they ran out to find the owner to get permission. And only after they returned did Reb Zelmeleh get up and use the cane. He walked around for a few minutes, talking in learning, and then he laid down and took his last breath. That was a man who had his head in the clouds all the time; he lived on the highest rungs of perfection, but he always knew that מאן דבעי למדהוי חסידא ליקיים מילי דנזיקין. Being careful with the possessions of others comes first.

EATING SWINE MOTZOEI PESACH

And not only their possessions - you have to worry about people themselves! Let's say a man is putting away his *Pesach* things - he's carrying down the *Pesach* dishes, and he sees one thing among the dishes that he wants to put with the *chometz* things, to keep it for all year round. So as he's carrying the box of dishes down the stairs, he puts this one thing on the stairs for the time being. Oh no! Stairs are a *reshus harabim* where people are going up and down. An object on the stairs is like a *bor b'rshus harabim*. It's a *bor b'rshuso*, but since people have the right to go up and down, your family has the right to use the steps, so you're endangering their lives by putting something there. Nothing is allowed to be put on the stairs! If somebody would step on it, you know what could happen *chalilah*? That man lost sight of Hashem for a few moments!

The sin of making a *bor* is the same as eating swine. And to eat ham, to eat pork, you're far away from that; it's something you would never do. But leaving something on the steps? It happens all the time! And because not having wicked intentions is no excuse, Hashem leaves you almost no room for error. *Shaleim yishaleim* (Mishpatim 25:5), Hashem says. The double expression, "Pay, you must pay!" is coming to tell us something. It's for emphasis! Even though you had *no* intention to cause any harm - "I just put it down for a second," still "Pay, you must pay!" says Hashem.

WHAT'S "EXCUSE ME"?!

When there are children's toys on the floor - that's your responsibility. Maybe you're familiar with your floor. But if someone else coming into your home - and they always do - they don't know that you leave things on the floor. So it's your obligation to collect the toys; that person is not aware of pitfalls that you set for him on the floor. There was an elderly woman here who walked into a home and fell over a child's toy. And she broke her hip. So the parents said, "Oh" and "Uh," and they said, "We're so sorry." Sorry?! You're *mazikim!* You're responsible! You have to learn what it means to have regard for others people's welfare and their property. "Excuse me," is not enough. It's a sin on your part. And you'll pay for it!

The utmost caution is required when you are a *shomer*. If Hakodosh Boruch Hu gave you a child, so you were appointed as a watchman, and now it's your duty to be on guard at all times. And even though you think it's onerous and it's burdensome, so you say, "How many times do such things take place? It never happens; it's a rarity," excuses won't help. Hakodosh Boruch Hu is not absolving you because of your excuses. Mothers must always feel a great responsibility for the safety of their children.

DON'T BLAME HASHEM!

Now if something happened *chalilah* and parents sit down and mourn, and they say, *השם נתן והשם לקח*, Hashem gave us a gift, and now he took His gift back, so people praise them for their *emunah*, for their belief in Hashem. But we must know that sometimes this is a very great hypocrisy. Because if it had been possible for the parents to foresee and forestall what happened, so they are considered as if they had done this act with their own hands. Instead of parading as *tzadikim* with their great *emunah* that Hashem did it, so Hashem says, "Don't blame Me!"

If you allow your son to go on a trip to a different city with a certain group, is that called responsibility? Do you know the person in charge of that group? Your son doesn't know the streets in a strange city. In your own neighborhood you know where to be careful. *Chalilah* it happens sometimes. A boy was hit by a car; he was unaccustomed to the way the cars turn on that unfamiliar street and there was an accident. And the boy never came back home. The parents are held responsible for that. Just to give your

son for *hefker*? Do you know who's in charge of that group? Is it a responsible adult? For a boy in a strange city it better be someone extremely responsible. Would you give your money into that man's hands? Let's say you had ten thousand dollars; would you allow him to handle your ten thousand like that? And your son you allow him to handle?!

PART III. The Result of Studying

THE FIRST THING TO KNOW AS A SECULAR JEW

Without studying, without always thinking, every man thinks he's honest. He knows that others are not, but he's honest. Let me tell you a little story. There was a time when I used to take a taxi every day. I had to go from one school to another to talk. And I used the same driver every day; he was an old American Jew, an eighty year old man. To all the institutions that I had to speak, he always took me there. So he became like a close associate of mine. Now this man didn't know how to learn a thing. He didn't even know *siddur*; he knew nothing. But one thing he *did* know. He knew that the Orthodox Jews are no good. That, they all know; that's the first thing a secular Jew knows.

He was describing to me how his daughter was married. He had an old daughter who finally got married and he hired a *chazentah* to put on a tallis and a yarmulke and she sang "Oh Promise Me," - a big fat *chazentah* singing her heart out. When I gave him a make-believe smile, so he said, "You Orthodox Jews don't have any beauty in your ceremonies."

WE ATHEISTS DON'T STEAL!

So while he's driving, he's telling me his criticism of Orthodox Jews, all of his complaints. This and that, and also how honest of a man *he* was - unlike the Orthodox. Finally we crossed the parkway and we came into Flatbush - there was a long way to go yet - and he closed down his meter. I said, "Why are you closing the meter?" So he tells me "Because my boss earned enough today. The rest of the fare will go to me." This was the man who prided himself on being honest! He didn't even dream that anything was wrong, he didn't dream that he was a crook. And that's how it is - the unorthodox don't even know that they're

crooks. All they know is that the Orthodox are crooks. By virtue of being Orthodox, you're already a crook.

I walked past a fruit store the other day, and I see a lady, not a poor woman. She's wearing a fur coat; she's dressed very proper. So she stops by the apricots in the bin outside, and she takes an apricot and begins to eat it. And then a second apricot. She's a *ganav!* I see it all the time - gentiles in the street, walking past the fruit store and picking off a few grapes. And then some peanuts and even a plum. "Oh," they'll say, "I'm just tasting to see if I want to make a purchase." Just tasting?! *Ah nechtige tug!* I see it all the time and I tell them it's stealing. "You can't steal from the owner like that!" And the lady is surprised. "Me, steal?!" She would never steal!

Without studying, you have no idea what is right and what is wrong. Without studying *Bava Kama* and *Bava Basra*, you are a crook. Only that you have the best opinion of yourself. That's the difference. If you study *Bava Kama* and *Bava Basra*, you might continue to be dishonest, but at least you know that you're dishonest. And that itself is a big achievement!

THE OX IS A MODEL

And even if you do study, that's only the beginning. You have to be aware always to apply it. All the rules are models for the small details of how to live every minute. You have to apply the *pesukim*, the *halachos*, because what they are are models for the situations you face all day long.

It's not only an ox that man is responsible for. The one who studies Hashem's words as intended, is not thinking only about an ox. He understands that Hashem is telling him that he is responsible, not only for his ox or dog, but for his rickety ladder as well. And for open windows when children are present, and for allowing a child to be alone in a room where candles are burning. For a banana peel on the ground and a dirty tissue on the table. For making too much noise and for how to sit on somebody else's chair. For what he leaves on the steps, and for how he uses his shul. The principle of *Binyan Av* teaches us that when the Torah gives an example, it must be applied to all other similar instances, unless some logical difference can be found. All harm caused to others by negligence is punishable by *דיני שמים*, by the laws of

Heaven. And often, the guilt in the eyes of Hashem is extremely heavy.

THE GEMARA ABOUT TOP HATS

You must always be aware that you're walking in a world that doesn't belong to you. And it's your responsibility is to be thinking always about what *Mishpatim* is demanding of you. This story I told you once, but it's a piece of Torah so I'll say it again. Rav Yisroel, *zichrono l'vracha*, spent some of his years in Koenigsburg, a German city. In those days they wore top hats, *l'kavod Shabbos* I think it was; tall stovepipe hats, hard hats like stove pipes. So once, Rav Yisroel was out on the street and there were a number of people who were walking with him. So Rav Yisroel said to the people there, "The *gemara* in *Bava Kama* says we have to hold on to our hats tightly because there's a wind blowing." So they said, "Where is there such a *gemara* about stove pipe hats?" None of them could recall such a *gemara* about holding onto one's hat.

So he said, "It's אבנו סכיננו ומשאו שהניחין בראש גגו ונפלו ברוח - "If you put your object on top of your roof, and a wind blows and it falls off and it hits somebody, so you have to pay" (*Bava Kama* 6a). Now that's a big *chiddush*; your head is a roof, the hat is an object, and the wind is blowing, so it might fly off your head and hit somebody. Now, *our* hats wouldn't harm anybody but stove pipe hats are a missile. And if the wind would blow it off your head and it would hit someone in the eye, it would be a real injury. To us it's a big *chiddush*, but for someone who is always aware that Hashem is watching him, to see if he's keeping all the *mishpatim*, it's not a *chiddush* at all.

THE THIEF LEARNS A LESSON

Once I was in the *yeshiva* across the street and I was observing a young man studying *Perek Merubah*. It's the seventh *perek* of *Bava Kama* and it talks about the laws of a thief, the obligations of someone who steals. And he was learning with a real appetite. It was a pleasure to look at! He was learning out loud: מרובה מדת תשלומי כפל ממדת תשלומי ארבעה וחמישה - He was saying it with a *geshmak*! He was clarifying all the complicated details of paying *keifel*. And I noticed that he was studying from a *gemara* that was from my synagogue! And it didn't even occur to him that the thief that the *gemara* was talking about was he!

Stealing a *gemara* is not called stealing? He's *chayav keifel*, he has to pay me two *gemaras*. Lucky for him, I happened to be around!

Mishpatim means that you can't just do how you please. You have workers? You have to pay wages? "I don't have the money right now." "I'll pay you a little bit now and the rest next week, or next month." *Mili d'nezikin* puts you on notice: לֹא תִלִּין שָׁכָר שֶׁכָּר - "Before the sun sets you have to pay the wages" (Vayikra 19:13). The sun is going down and the worker wants to go home! So you'd better pay him. The Chofetz Chaim once hired a man to drive him someplace in a wagon - and soon as he got off the wagon and he saw that the wagon driver didn't have any change, he ran off to borrow money to pay the fare. He wasn't going to wait till sundown! Because if you live by the *dinim* of the Torah so you're always aware of your responsibilities to Hashem. It's not that you're worried about your workers going on strike; you're not worried about unions and union bosses. You're strict with yourself, because there's a big boss. Hakodosh Boruch Hu is the worst union boss there is. He's a very demanding boss!

WHO IS TEACHING YOU PARSHAS MISHPATIM?!

All day long how you behave is being regulated by Hashem. Here's a man who gets on a bus, a man with a beard. Probably he's not a *lamdan*, but he has a beard, everyone sees he's an old time Jew. So he gets on the bus and pays one fair. He doesn't pay three fares! But he sits down and he puts his shopping bag on the seat next to him, and he takes his Yiddish newspaper and opens it wide - three seats this man is occupying! In the meantime the bus is getting crowded, and people are looking at these two seats. But they're too bashful to say anything; they're keeping quiet. Of course, in their hearts, you understand what they're thinking. Finally a tough black man gets on the bus and says, "Mister, move over." You needed a colored man to teach you *Parshas Mishpatim*?!

I'll tell you something else. Rav Yisroel Salanter used to say that there are certain types of *gezeilah*, certain things that you steal that you can never make *hashavah* on, you can never pay back what you stole. If you steal somebody's sleep, people are sleeping and you wake them up for nothing, then you're a *gazlan* and you can never make restitution. So here is a man let's say who comes early to learn, he comes to the shul early before *davenen*. He gets

out of the car with his *chavrusah*, and they're talking like it's the afternoon. It's before six o'clock and they're talking at the top of their voices. People all around them want to sleep yet; they're not going to any *shiurim* right now. Where is your awareness of Hashem?!

THE TZADDIK GOES TO THE MIKVEH

I saw an old *rav* going to the *mikveh* early in the morning with his sons, and he's talking with his big hoarse voice, saying *diorei Torah*. And the whole street on both sides is resounding with his voice as he's walking. The *tzadik* is going to the *mikveh* before *Slichos*, ooh wah! Really he's a hold up man, robbing people on his way to the *mikveh*. And he doesn't even know that he's doing such a terrible thing.

I was thinking, "This is why *Mishpatim* comes first! Because even the biggest *tzadik* has to be always aware that Hashem is demanding his best behavior when it comes to *mili d'nezikin*. If you were a high school bum, who doesn't care for anybody, so we understand that you're a failure. But you? Didn't you learn that *Mishpatim* came the first thing after *Matan Torah*?" You're a *gazlan*, and there's no *hashavah*. He can't fulfill **והשיב את הגזילה**. He can't give back a person's health that was lost by being deprived of sleep.

And it's not only the big things, the situations that we are all aware of. A person must start out with the awareness that Hakodosh Boruch Hu owns the world and therefore *everything* that we do in this world is our responsibility to Him. When studying all the laws of *Mishpatim* it is essential to keep in mind that they are all intended by Hashem as models for *every* form of injustice which is done to others. But people who never learn, people who rely on their innate sense of right and wrong, are a thousand times worse than they could even imagine. It doesn't even occur to them. This story, I have to repeat it although I told it about a hundred times already. Once a relative of mine, a woman, came to visit. So she tilted a chair against the glass door and the chair went through one of the glass panels. "Oh, excuse me," she says. And that was the end of it. No! That's not the end! It's far from the end of it!

SPITTING IN OLAM HABOH

And actually what is expected of you is much more subtle than that, and many of us are faltering all day long, without even recognizing our faults. It's frightening to contemplate the depths of the judgment that we will all face one day when we stand before Hashem. And as much as you ignore it now, the more surprised you will be on that day. Because the details, so small and so subtle, are all encompassing, and we are expected to be aware of them always.

The *gemara* in *Chagiga* (5a) tells us that when a person is brought to judgment, he will be brought up on everything - he'll be charged with things he never even imagined could be problematic. **על כל נעלם... יביא במשפט** says Shlomo Hamelech in *Koheles* (12:14). You will be brought to judgement on all the many things that are hidden away from you. And the *gemara* explains, **זה ההורג כינה בפני חבריו ונמאס הרק** - "This refers to someone who kills a louse, and someone standing nearby is disgusted by it." Or, **בפני חבריו ונמאס** - "If you spit out some spit or phlegm, and the person nearby is nauseated by it." It wasn't your fault; you had something stuck in your throat. And you covered your mouth. But still, even those minor acts of disregard for your fellow, and even if done unintentionally, will be brought up against you on that great day of Judgment.

When you're talking to a person and you have a cold, make sure to keep far away from him. You'll cough in his face; you're a *mazik*! You don't believe in germs? Who cares what you believe in! You're a *mazik* of the first degree! There are so many things to be careful about. And don't say, "It's *min hashamayim*, it's *bashert*." No, it's blood on your head! You are to blame. In every instance it could very well be that you're to blame, and the only solution is to be careful with *mili d'nezikin*.

SPOUTING DIVREI TORAH AND HALITOSIS

Once you understand that, you will have to aware of Hashem all day long! So you're talking to somebody in *divrei Torah* and as you're talking to him, you let loose a flow of polluted air from your mouth. Oh, is it difficult for him to bear your halitosis! Now, he's too polite to run away from you. But you're a *mazik*. You're annoying him.

But the one who is always aware of Hashem lives differently. I knew a *tzaddik* whose head was in the heavens all the time; his mind was always occupied with great thoughts. And yet he *never* spoke to anybody unless he perfumed his mouth first. I knew him very well. And for years he carried a little packet of listerine pellets in his pocket. He never came to speak to anybody unless first he perfumed his mouth. This was a man who lived with the ideals of *mussar*. Number one is don't injure, don't bother people. That's the first rung of the ladder that goes up to heaven.

WHAT DOES IT MEAN TO 'KNOW HASHEM'?

And now we understand why *Mishpatim*, the judgements governing your behavior towards your fellow man and his property, are so important - so important that it was these laws that became the climax of *Ma'amad Har Sinai*. Because what does *Anochi Hashem Elokecha* mean anyway? We all know that it's described as the command "to know that there is a G-d" (Hachinuch, *mitzvah* 25). But what does that mean? After all, "I am Hashem Your G-d," is merely a statement, a fact. But what are we supposed to do about it?

And the answer to that is everything we spoke about here tonight. Because *Anochi Hashem Elokecha* was the *klal gadol* they heard on that day, but the details of awareness of Hashem were given in our *parshah*. And I'll explain that. To the *Am Yisroel* who stood at *Har Sinai* this whole command "to know Hashem" seems superfluous. They had just witnessed the most open demonstrations of Hashem's Presence by means of all the wonders that He had performed *l'einei Bnei Yisroel* in *Mitzrayim* and at the *Yam Suf*, and now at *Har Sinai*. Who did they know if not Hakodosh Boruch Hu?! This generation knew Hashem and believed in Him more than any other subsequent generation! So what was this command, *Anochi Hashem Elokecha*, "Know that I am Hashem your God"?

THE RESPONSE TO NAASE V'NISHMA

And the answer is this: For the loyal nation of Hashem it's not enough to just know, to merely accept Hashem's Presence as a fact, and then to get back to regular life. This first words that the *Am Yisroel* heard at *Har Sinai*, "*Anochi Hashem Elokecha*," came to declare the necessity of continuing *always* to gain more and more awareness of Hashem - to be thinking of Hashem *always*! And so

while *Anochi Hashem Elokecha* was the *klal gadol* they heard on that glorious day, all the details of how to be always aware of Hashem were given in *Parshas Mishpatim*. The awareness that you're just passing through a world that doesn't belong to you is the foundation for living a life of awareness of the true owner in this world.

And so Hashem came down on *Har Sinai* and said to His people, "Oh, you're saying *נעשה ונשמע*? You're ready to do?! So let me tell you what I want: *ואלה המשפטים*. That's how I want you to get started." Because this is most basic way, the most fundamental way of serving Hashem. It's the foundation of the service of Hashem because it means that you are aware at all times that *להשם הארץ ומלואה*, and that He is watching, *and that He's demanding something of you always!*

Because although these *Mishpatim* might benefit the welfare of man, as well as the perfection of character for the one who trains himself to care about his fellow, yet the most important achievement is that it serves as constant reminders that Hashem is always looking always down at our deeds, even the most subtle of deeds, and that we are always obligated to behave as one behaves in the presence of a king. And therefore, even the most mundane activities of a Jewish man or woman are always saturated with awareness of Hashem. And that awareness is your perfection in this world, and your preparation for your eternal happiness when you finally come to bask in the true Presence of Hashem in the World to Come.

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Q&A With Rav Avigdor Miller Ztz"l

Q:

How much emphasis should I put on *yichus* when choosing a *shidduch*?

A:

It depends; if it's *yichus* that she comes, let's say, from Dovid Hamelech, then forget about it. But if it's *yichus* that she comes from good parents, her father is a *talmid chochom*, a decent man, and her mother is a quiet decent woman, then that's the best *yichus* there is.

Now, if you have two girls who are exactly the same, and one claims *yichus* from Dovid Hamelech, so you can choose the one from Dovid Hamelech – if they're both the same. But the best *yichus* is a good upbringing and good *chinuch*.

If the girl went to a good Bais Yaakov school, a *frum* school – not a modern school – that's a very good *yichus*. If the girl is quiet – by the way, you should look for a quiet girl, not for a lively vivacious girl. And the girls who are lively should act as if they're not, so that he shouldn't know that you are so lively. But don't get a lively girl. That's a *yichus*! The best *yichus* you can find is good character and good upbringing.

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