

SHABBAT SHALOM FROM CYBERSPACE

PARASHAT MISHPATIM/SHEKALIM

Haftarah: Melachim II 11:17 - 12:17

FEBRUARY 25, 2017 29 SHEBAT 5777

Rosh Hodesh Adar will be celebrated on Sunday & Monday, February 26 & 27.

DEDICATION: In memory of Milo Bibi – 29 Shevat

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Editors Notes

We Have To Do Something – Mishpatim 5777

"We have to do something!" With those words, as we just completed Havdala in the Synagogue, a dear friend handed me an article from one of the local papers.

The article began, "Dear Neighbor,

We may not know each another or daven in the same shul, but until recently we had so very much in common. Like you, I dedicated the early part of my adult life to pursuing my education and attaining my advanced degrees. Like you, I davened with kavanah and was ultimately rewarded with a wonderful spouse and beautiful, caring, and healthy children.

'Like you, I have spent the better part of the past 20-30 years trying to find the right balance between work life, family life, learning, and chessed.

Like you, I've experienced the sticker shock of sending my children to yeshiva and summer camp. And like you, I scrimped and saved until I was able to collect enough for a down payment on the modest home in which my family and I now live. That's what we have in common. What we perhaps don't have in common, and what I pray you will never have to

experience, is the pain I've had to endure every day since I became unemployed."

The writer goes on to describe how difficult life has become. Making ends meet while living in the community is difficult, doing so without a job, is impossible. He describes his own shame and the shame his family feels especially at being treated by others as if they carried some terrible contagious disease.

His attitude toward charity was greatly moving. He wrote: "As one who finds himself on the receiving end of tzedakah these days, I have a new appreciation for the importance of keeping these institutions well-funded. Indeed, were it not for the generosity of the local yeshiva high schools attended by my children, I suspect I would have had to put them in public schools.

And as for Tomchei Shabbos, I never in my wildest dreams (and nightmares) imagined that I would ever avail myself of their assistance. In my mind, food assistance was something the community provided to help the under-educated, the frail, and "the nameless and faceless" folk who found themselves on the margins of society. Sadly, I've learned the harsh reality that multiple advanced degrees and a super-impressive resume is no guarantee that one will stay employed or find employment.

Personally speaking, I'm now living in the margins right alongside everyone else on the food line."

Hearing these stories makes people very uncomfortable. Perhaps the thought of, "there but for the grace of Hashem go I", or guilt that communally we should be doing more, we find these tales difficult to bare. We all know someone who has gone from riches to rags virtually overnight and others who have lost jobs. We often struggle just to get by, imagine how much more difficult it is for them.

Included with the many misvot we read about this week, we are told "Im Kesef Telaveh - when you lend money to the poor".

Rambam explains that lending money (and by extension giving someone a way to earn money by

finding them a job) are the highest forms of Sedaka which we translate as charity but in reality relate to being just.

This week where we will announce Rosh Hodesh Adar to be celebrated on Sunday and Monday and with Purim and the misvah of matanot laEvyonim - gifts to the poor on the horizon in addition to Pesach with the requirement of Kimcha D'pischa relating to the age-old custom of giving charity before Pesach to the city's poor so they will be able to afford all their Passover needs is the perfect time to do a brief review of our own giving.

Rambam defines eight levels of Sedaka, each one higher than the preceding one.

On an ascending level, they are as follows:

8. When donations are given grudgingly.
7. When one gives less than he should, but does so cheerfully.
6. When one gives directly to the poor upon being asked.
5. When one gives directly to the poor without being asked.
4. Donations when the recipient is aware of the donor's identity, but the donor still doesn't know the specific identity of the recipient.
3. Donations when the donor is aware to whom the charity is being given, but the recipient is unaware of the source.
2. Giving assistance in such a way that the giver and recipient are unknown to each other. Communal funds, administered by responsible people are also in this category.
1. The highest form of charity is to help sustain a person before they become impoverished by offering a substantial gift in a dignified manner, or by extending a suitable loan, or by helping them find employment or establish themselves in business so as to make it unnecessary for them to become dependent on others.

Rabbi Yaakov Culi, author of Meam Loez writes about the wonderful charitable organizations in Constantinople in the early 1700s which he suggests be copied all over. In the same vein we can write about the wonderful organizations in our own community in Brooklyn including Bikur Cholim and the related Angel Fund and Sephardic Food Fund. The burden on each of us to give is incredible, but give we must. Each of these organizations does a tremendous job and through our gifts to them we fulfill the highest levels of charity.

I am especially impressed as to how these organizations go about their work and making sure that their clients, yes they call them clients, are taken care of and assisted in a dignified manner.

It behooves every community to have these programs in place and each community should assist the neighboring community in setting up systems based on their own knowledge and experience.

And with all the good, I was disappointed when searching on behalf of those who came to me for sources for interest free loans in the community, I was unable to find. We had a very strong free loan society, one established by my great uncle Dave Bibi and so many people over the years told me how it helped them, where are those societies today? If anyone can direct me, I would appreciate it.

And although we see so many people going through such difficult times, I doubt we have ever seen so many families with such wealth. Yes, they are a very small percentage of the community and others often assume that everyone is as wealthy, but with Hashem's blessing we do have dozens of families blessed with assets in the hundreds of millions and even billions. They must remember that with tremendous wealth comes tremendous responsibility. The rabbis explain that this wealth has been entrusted to these families and they must use it to alleviate the pain of others. The challenge to each of these family fathers goes much further. They must not only give, but must get others to give and then use their connections to find jobs for those in need. They must make a phone call here, call in a favor there and beg and cajole if that's what it takes to get those like the man who wrote the letter back to work in a job which will cover expenses and bring dignity back to his life.

At the same time, knowing that there are these wealthy individuals does not remove the burden from the rest of us. We too must use all our efforts to lift those in need up, to hire them, to find them jobs to assist them with their businesses and to build up their spirits. We all are obligated. We all have to do something.

Another troubling reality is that when we come to making our own purchases, we do not seek to make them within the community. Let me assure you, that even if you spend a few dollars more and give whatever business you can to those around you, you'll know your dollars are supporting those families, paying those yeshiva bills and putting food on people's tables, and serving as charity and you will surely be blessed by Hashem. Giving business to a

member of the community is certainly a tremendous type of sedakah.

Our goal should be to not only give, but to transform every one of those clients on the receiving end to become self-supportive and eventually re-attain the level where they can give back to the community and others in need.

There are so many great charities out there, but as always if you are looking for a charity where all the funds go to the poor for matanot laEvyonim for Purim, you can send us a check to: The Sephardic Congregation of Long Beach, Inc.
P.O. Box 567 • Long Beach, New York 11561 or donate on line <http://www.benaiasher.org/donate-online/>.

Shabbat Shalom and Hodesh Tov,

Rabbi David Bibi

PS: Rabbeinu Bachya writes: there are a number of different levels of tzedaka - the first level is giving money to a non-Jew which shows respect for all people, since all humans are created in the tzelem elokim. The next level is to give to a Jew from an outside town, one you are less obligated to support. The next level is to give to the people from your own city - the Torah tells you to give to "the pauper who is with you." The next level is to give to a pauper who is a relative of yours. The fifth level is to support your children - it says in Tehillim 'Bechal Es' - how do you give at all times? When you have young children whom you are supporting while they are under your own roof. The sixth level is to support one's father and mother. This is the highest level of tzedaka - it is a great mitzvah. If they cannot support themselves anymore, you must support your parents - it takes precedence over all

Summary of The Weekly Torah Reading Mishpatim - Civil Laws

- 1- Laws regarding a Hebrew slave
- 2- Laws of damages (if one kills or damages another person or his animal).
- 3- Laws regarding the 4 types of shomrim. Witchcraft, Bestiality, offending the convert, orphan, or widow. Charging Interest
- 4- Laws of pidyon, nevelah and terefah, gossip, returning lost items
- 5- Laws of perverting judgment, oppressing the ger, shemita, shabbat and holidays
- 6- Hashem promises Moshe the Jews will be led into Israel and will conquer the land

7- The events of the 4th, 5th, and 7th of Sivan at Har Sinai. Moshe builds a mizbeyach, writes sefer haberit and goes up for 40 days.

FROM THE RABBIS OF THE JERSEY SHORE "You shall not persecute any widow or orphan." (Shemot 22:21)

Rashi explains that the prohibition against hurting a widow or an orphan applies to persecuting any man, but the Torah speaks of the case that is most common. It is usually the widows and orphans that are hurt. The Torah uses the word "te'anun," which is plural and switches to the word "te'aneh," which is singular. This teaches us that those that stand by while an individual is causing pain to an orphan or a widow and doesn't come to their defense, it is considered as if they persecuted the orphan or the widow. Let's hear a story.

The teacher in the yeshivah was drinking a glass of tea, keeping a watchful eye on his students. Suddenly, a fight broke out between two of his young students. After the teacher shouted at them to stop their battle, one of the children - little Shlomo, the son of one of the wealthier townspeople – told the teacher that it was little David, an orphan, who had started the fight. Without inquiring as to the truth of that claim, the teacher walked over to David and slapped him hard across his face, and then went back to drinking his tea.

Sitting next to David was a boy named Yosef Berele, with whom he would review the Gemara each day. Yosef Berele had watched what had happened and was well aware that in reality it was Shlomo who had started up with David. He had noticed on previous occasions that the teacher would show favoritism to the wealthier children at the expense of the children of the poor.

Deeply anguished at the injustice he had just witnessed, Yosef Berele walked over to his teacher and addressed him bluntly. "I know why you punished David without investigation. It is because he is an orphan and he doesn't have a father to defend him, and his mother is very poor and pays very little towards the Rebbi, and Shlomo's father is rich and is the Gabbai of the shul and the Rebbi is afraid of him.

"But the Torah forbids this. I don't want to learn Torah by a Rebbi who doesn't keep the Torah," declared Yosef Berele, who was only seven and a half years old, and he picked up his sefarim and walked out of the yeshivah.

His father reprimanded him and pleaded with him to reconsider. The teacher promised to mend his ways, but it was to no avail. Yosef Berele went to learn in the Bet Midrash among adults. A few months

later, Yosef Berele fell very ill. The doctor said there was no hope.

Suddenly the child opened his eyes and said, "Father, I am alive. Please give me something to drink." Later that day Yosef Berele related to his family what had occurred. He was about to leave this world when the father of David suddenly came from Heaven and forcefully pushed away the Angel of Death. "Don't you know that Yosef Berele is a defender of orphans and he came to the defense of my David from the hands of the Rabbi?"

Little Yosef Berele grew up to be the famous Bet Halevi, the founder of the famed Brisker dynasty of Torah giants. While it often takes much courage to stand up for a defenseless victim, the rewards are very great. Shabbat Shalom. Rabbi Reuven Semah

"You shall not cause pain to a widow or orphan. If you cause him pain, if he shall cry out to Me, I shall surely hear his outcry" (Shemot 22:21-22)

When the Torah prohibits us from afflicting a widow or orphan, it uses three double words to describe the outcome. "If you shall afflict them (v@B□g\$, v̄ B□g), they will cry out to Me (e□g□m"he□g□m), and I (Hashem) will listen (g@n\$Jat □g«n"J) to their cry." Why so many double words?

The Kotzker Rebbe gives a very insightful explanation. When a widow or orphan is afflicted, they feel sorry for themselves and wonder why they are being tormented so. They come to the conclusion that it is because they have no father or husband, and they relive that pain all over again. Even if they lost their loved ones many years ago, they feel it anew as if it is a fresh wound.

Hashem considers it as if the tormentor is responsible for the original loss since he causes the victims to cry for their loss all over again. So it comes out that the orphan and widow cry double for their double pain, and Hashem "hears" both cries, and therefore the penalty is that much more severe.

We learn from here an amazing insight into human nature. When a person is down from something else, any more distress can bring up the old pain, and whoever does so is responsible for both! We have to be so careful with the widows, orphans and downtrodden to help lift up their spirits, and then Hashem will reward us doubly as well!
Rabbi Shmuel Choueka

RABBI ELI MANSOUR
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MishnaBerura.com, LearnTorah.com
The Alter and The Courts

The bulk of Parashat Mishpatim deals with civil law, the guidelines for settling monetary disputes and for

addressing situations such as theft, property damage, negligence, and the like.

The Rabbis raised the question as to the connection between Parashat Mishpatim and the final verses of the previous Parasha, Parashat Yitro. Parashat Yitro concluded with laws relating to the altar in the Bet Ha'mikdash, such as the requirement to have a ramp, as opposed to stairs, leading to the altar. Parashat Mishpatim then begins, "Ve'eleh Ha'mishpatim" – "AND these are the laws." The letter "Vav" ("And") at the beginning of a sentence indicates that the sentence bears a close connection to what was stated previously. It thus appears that the code of civil laws presented here in Parashat Mishpatim is closely associated with the closing section of Parashat Yitro, which deals with the Mizbe'ah, the altar in the Temple.

The Rabbis inferred from this connection that the Sanhedrin – the highest Rabbinic court – should convene on the Temple Mount, near the Bet Hamikdash. Just as the Torah juxtaposed the laws of the altar and the civil laws, similarly, the chief authoritative court must be situated near the altar.

The location of the Sanhedrin conveys the powerful lesson that legal jurisprudence is an integral part of religion. The United States follows a system of complete separation between religion and state, whereby legal matters may not be determined and laws may not be legislated on the basis of religious belief. From the Torah's perspective, the precise opposite is true. Civil laws are an inseparable part of religion. The Sanhedrin sits alongside the Bet Hamikdash to show that the legal proceedings in the Rabbinic courts is no less "religious" than the sacrifices offered in the Temple. It is all part of the same system.

As such, there is no such thing as religious commitment without adherence to the Torah's code of civil law. If a person prays, observes Shabbat, keeps Kosher, studies for several hours a day and recites Tehillim, but he is dishonest in business, then he is not religious. The laws of Parashat Mishpatim are as much a part of Judaism as the rituals we read about at the end of Parashat Yitro. The laws of ethics and civic responsibility represented by the Sanhedrin are as integral to Torah observance as the sacrifices offered nearby on the altar.

There is also another lesson to be learned from the location of the Sanhedrin. The Mizbe'ah serves to bring peace between God and the Jewish people. Sin interferes with our relationship with the Almighty, and the atonement achieved through sacrifices

restores the strained relationship. The Torah's civil laws similarly serve to bring peace between parties in conflict. Just as the altar brings peace between people and God, the laws, as determined and applied by the Sanhedrin, serve to bring peace among people.

This is an especially relevant message to a community such as ours, which consists of many businesspeople. It is the nature of business to lead to disputes; legal battles are almost endemic to commerce. The solution is turn to the Torah, to consult competent Bateh Din who resolve disputes in accordance with God's laws. When disputing parties bring their case to a Bet Din, they both win, because they are guided according to Torah. In this sense, the Bet Din acts like the altar, restoring peace among the litigants who know that they have acted properly. Complex and unpleasant situations are bound to arise in the context of business, but there is a sound solution – the Torah's laws, and this is the solution that we should all utilize in resolving disputes.

**VICTOR BIBI
SOD HAPARASHA**

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**Rabbi Wein
LOST KEYS**

A short time ago I was attempting to lock the gates that provide entry into my apartment from the elevator. With my current usual fumbling self, the keys – precious as they are – fell from my hand. There is a very small opening between the edge of the elevator and floor of my apartment, so small that one hardly takes notice of it. Nevertheless, my keys found that aperture and with a thud came to rest at the bottom of the elevator shaft, completely inaccessible to me.

Now if I would have attempted to throw my keys towards this space hundreds of times I would not have been able to hit that exact spot between the elevator door and my apartment. But my keys apparently had a mind of their own and headed directly and very accurately towards this space in order to descend to the bottom of the elevator shaft.

Naturally, I had to call the elevator company and have them send someone out to somehow retrieve my keys at the bottom of the elevator shaft. I still do not know how that service man was able to do so but

I can happily report that I am again in possession of all of my necessary keys. This misadventure of mine set me thinking about keys and locks generally and in a Jewish context specifically. Like everything else in life, one does not realize the importance of keys until one has lost them.

In a physical sense, keys allow us to progress, to go where we wish, to leave or to enter spaces which otherwise are barred to us. All human progress is based on unlocking previously closed doors of science, technology, politics and the realm of imagination.

The key to allow us to gain entry into these areas is the gift of human creativity, the ability to dream and to imagine what is previously unknown and not present in our current life. The gift of prophecy, which was given to the Jewish people for millennia, is what has allowed the Jewish people to believe, and in our time to realize, that somehow the forced exile of the Jewish people would end and that there would be an independent and sovereign state established once again in the land of Israel.

Without that key of prophetic promise, the locked doors of the exile would never have been able to be opened for us and for our generations. Hope, optimism and faith were and are the keys to Jewish survival and accomplishment. Despair and a feeling of hopelessness always mark the road to ruin for individuals, societies and nations.

Since the problems of life many times can be overwhelming in scope and in intensity, it is quite understandable that the keys that could help unlock those issues are temporarily lost at the bottom of the elevator shaft of life. Human greatness and the national will and strength of the Jewish people are based on retrieving those keys and progressing onwards with hope and fortitude.

The Torah identifies these keys for us. Love and belief in God, appropriately compassionate behavior towards other human beings, observance of ritual and an optimistic forward-looking frame of mind adorn the keychain of Judaism and Jewish life.

These keys are too precious and necessary to be abandoned or lost. The rabbis have taught us in the Talmud that the questions that a person faces are threefold: 1) Have you dealt honestly and kindly with your fellow human being? 2) Have you made Torah study, knowledge and observance a regular part of your routine in life? 3) Have you continued to hope optimistically for salvation, redemption and a better world?

These are the keys to Jewish life and continuity throughout the ages. We should make every effort not to lose these keys and even if, somehow, they have descended down the elevator shaft, we have to make every effort to retrieve and restore them. There is no greater feeling of helplessness and frustration than to be locked out of one's own home because one has lost the keys that would have allowed entry.

Much of the Jewish world today is unfortunately without keys. We thrash about trying to find a way in to our past and future. We should be comforted that lost keys eventually do turn up but usually it requires a dedicated search and even technical and educational help. But there is no greater feeling of security than having one's keys residing safely in one's pocket

Rabbi Sir Jonathan Sacks God's Nudge

First in Yitro there were the Aseret Hadibrot, the "ten utterances" or general principles. Now in Mishpatim come the details. Here is how they begin:

If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything . . . But if the servant declares, 'I love my master and my wife and children and do not want to go free,' then his master must take him before the judges. He shall take him to the door or the doorpost and pierce his ear with an awl. Then he will be his servant for life. (Ex. 21:2-6)

There is an obvious question. Why begin here? There are 613 commandments in the Torah. Why does Mishpatim, the first law code, begin where it does?

The answer is equally obvious. The Israelites have just endured slavery in Egypt. There must be a reason why this happened, for God knew it was going to happen. Evidently He intended it to happen. Centuries before He had already told Abraham it would happen:

As the sun was setting, Abram fell into a deep sleep, and a thick and dreadful darkness came over him. Then the Lord said to him, "Know for certain that for four hundred years your descendants will be strangers in a country not their own and that they will be enslaved and mistreated there. (Gen 15:12-13)

It seems that this was the necessary first experience of the Israelites as a nation. From the very start of the human story, the God of freedom sought the free

worship of free human beings, but one after the other people abused that freedom: first Adam and Eve, then Cain, then the generation of the Flood, then the builders of Babel.

God began again, this time not with all humanity, but with one man, one woman, one family, who would become pioneers of freedom. But freedom is difficult. We each seek it for ourselves, but we deny it to others when their freedom conflicts with ours. So deeply is this true that within three generations of Abraham's children, Joseph's brothers were willing to sell him into slavery: a tragedy that did not end until Judah was prepared to forfeit his own freedom that his brother Benjamin could go free.

It took the collective experience of the Israelites, their deep, intimate, personal, backbreaking, bitter experience of slavery – a memory they were commanded never to forget – to turn them into a people who would no longer turn their brothers and sisters into slaves, a people capable of constructing a free society, the hardest of all achievements in the human realm.

So it is no surprise that the first laws they were commanded after Sinai related to slavery.

It would have been a surprise had they been about anything else. But now comes the real question. If God does not want slavery, if He regards it as an affront to the human condition, why did He not abolish it immediately? Why did He allow it to continue, albeit in a restricted and regulated way? Is it conceivable that God, who can produce water from a rock, manna from heaven, and turn sea into dry land, cannot change human behaviour? Are there areas where the All-Powerful is, so to speak, powerless?

In 2008 economist Richard Thaler and law professor Cass Sunstein published a fascinating book called *Nudge*. In it they addressed a fundamental problem in the logic of freedom. On the one hand freedom depends on not over-legislating. It means creating space within which people have the right to choose for themselves.

On the other hand, we know that people will not always make the right choices. The old model on which classical economics was based, that left to themselves people will make rational choices, turns out not to be true. We are deeply irrational, a discovery to which several Jewish academics made major contributions. The psychologists Solomon Asch and Stanley Milgram showed how much we are influenced by the desire to conform, even when we

know that other people have got it wrong. The Israeli economists, Daniel Kahneman and Amos Tversky, showed how even when making economic decisions we frequently miscalculate their effects and fail to recognise our motivations, a finding for which Kahneman won the Nobel Prize.

How then do you stop people doing harmful things without taking away their freedom? Thaler and Sunstein's answer is that there are oblique ways in which you can influence people. In a cafeteria, for example, you can put healthy food at eye level and junk food in a more inaccessible and less noticeable place. You can subtly adjust what they call people's "choice architecture."

That is exactly what God does in the case of slavery. He does not abolish it, but He so circumscribes it that He sets in motion a process that will foreseeably, even if only after many centuries, lead people to abandon it of their own accord.

A Hebrew slave is to go free after six years. If the slave has grown so used to his condition that he wishes not to go free, then he is forced to undergo a stigmatising ceremony, having his ear pierced, which thereafter remains as a visible sign of shame. Every Shabbat, slaves cannot be forced to work. All these stipulations have the effect of turning slavery from a lifelong fate into a temporary condition, and one that is perceived to be a humiliation rather than something written indelibly into the human script.

Why choose this way of doing things? Because people must freely choose to abolish slavery if they are to be free at all. It took the reign of terror after the French Revolution to show how wrong Rousseau was when he wrote in *The Social Contract* that if necessary people have to be forced to be free. That is a contradiction in terms, and it led, in the title of J. L. Talmon's great book on the thinking behind the French revolution, to totalitarian democracy.

God can change nature, said Maimonides, but He cannot, or chooses not to, change human nature, precisely because Judaism is built on the principle of human freedom. So He could not abolish slavery overnight, but He could change our choice architecture, or in plain words, give us a nudge, signalling that slavery is wrong but that we must be the ones to abolish it, in our own time, through our own understanding. It took a very long time indeed, and in America, not without a civil war, but it happened.

There are some issues on which God gives us a nudge. The rest is up to us.

AS HEARD FROM RABBI AVIGDOR MILLER Z'TL "And these are the Judgments" (21:1)

The Mishkan (Sanctuary) was exceedingly important, and more space is devoted to it in the Torah than anything else. Yet the first subject to be treated at length after the giving of the Torah was the subject of laws governing relations between men. Just as "Derech Eretz (ethical behavior) preceded the Torah" (*Vayikra Rabbah* (9:3), so also in the Torah from Sinai the *Mishpatim* between men was the service of Hashem that was taught prior to the service of the Mishkan.

Like all Torah practices, these Judgments governing behavior towards men are also intended chiefly to keep us ever mindful of Hashem. Although these *Mishpatim* cause the welfare of men and also the perfection of their character, yet the most important achievement of even these Judgments is to serve as constant reminders that Hashem looks always upon men's deeds, and that we must behave always as one behaves in the Presence of the King.

By the manner in which a man relates to his fellowmen, so also does he relate to Hashem. One who is selfish or impatient towards men cannot be otherwise to Hashem, and "Anyone that the fellowmen are pleased with him, Hashem is pleased with him" (*Avot* 3:10). By fulfilling all the *Mishpatim*, men become perfect in their character traits: they learn to be considerate of others, they accustom themselves to restrain their desires, they overcome impatience and arrogance, and they also learn to fear Hashem.

Thus by fulfilling these obligations to our fellow Israelites, we become worthy of having among us the Mishkan and the Presence of Hashem. Quoted from "A NATION IS BORN" by Rabbi Miller ZT'L