

If you buy a Jewish bondsman. (21:2)

The Torah begins *Parashas Mishpatim* presenting the many *mitzvos* that cover the gamut from social/welfare relationships to the appropriate manner of service to Hashem, including the laws of the *eved Ivri*, Jewish bondsman. One would think a number of other *mitzvos* would also serve as an appropriate opening to *Parashas Mishpatim*. The various commentators address this question by offering explanations for what seems to be an anomaly, but we know that no anomalies exist in the Torah. Everything is sorted out and presented by Heavenly design.

Horav Yosef Shalom Eliyashiv, zl, comments that the very foundation of the laws concerning the *eved Ivri* beg elucidation. In any civilized country in which laws play a dominant role, the punishment not only fits the crime (to some extent), but it is also meant to serve as a powerful deterrent from repeating the same offense. One who steals pays not only what he stole, but is subject to incarceration for a hefty period of time – often on the word of only one witness. At times, a judge may rule against a thief, even if the evidence is circumstantial. If the punishment would not be stringent, the world would capitulate to lawlessness.

Our Torah's laws are considerably different. The thief pays only after his act of stealing has been verified by two witnesses. If he confesses to his misdeed prior to the arrival of the witnesses, his fine (*keifel*, double principal plus fine) is nullified. If he does not have the funds to repay the victim, he is sold into servitude, where incidentally, he is treated like a king. The owner must outfit him, feed him and provide for his every need. The glaring question is: How will such "punishment" serve as a deterrent? On the contrary, an unscrupulous person might take advantage of the laws, steal and take a six-year hiatus, compliments of the Torah's judicial system!

Rav Eliyashiv derives from here a lesson concerning the Torah's profundity and penetrating understanding of the human psyche. Punishment does not deter sin. As long as a person is treated like a *ganiv*, thief, he will continue acting his role. People do bad things because they lack self-esteem. They look in the mirror and see a crook – so they act the part. The Torah wants the thief to know that he is a valuable member of *Klal Yisrael*. He is a child of the Patriarchs, not unlike any other Jew. If he views himself in a positive light – he will act positively. He sees himself as someone who could aspire to be a contributing member of *Klal Yisrael*. The classic example that teaches *middos tovos*, positive character traits, is the *eved Ivri*. Thus, it serves as the preface to *Parashas Mishpatim*, which ushers in the social justice laws.

Horav Yechezkel Abramsky, zl, treated his *ozeres*, maid, like royalty. If he sensed that she was working too hard, he would suggest that she rest a bit – even though this would cost him more money. (She was paid by the hour.) Unquestionably, this woman developed a greater respect for *frum*, observant Jews.

The *Alter, zl, m'Kelm*, embellishes this idea. He wonders why the laws of *eved Ivri* follow after the Giving of the Torah amid a Revelation unprecedented and never again duplicated. Surely, there

must be a more “appropriate” venue for recording the laws of the Jewish thief who is sold into slavery to repay his debt. The *Alter* explains that the *parshah* of *avadim*, Jewish bondsmen, follows immediately after the law that enjoins the *Kohanim* to walk up a ramp to the *Mizbayach*, rather than use the steps, which allow the *kohen* to spread his legs in a manner which suggests immodesty. *Chazal* derive from here a profound lesson in sensitivity. The *Altar* is an inanimate object which would not be conscious of any immodesty on the part of the *kohen*. Yet, the Torah enjoins us to refrain from “embarrassing” them. Surely a person should take extreme care not to infringe upon his fellow’s sensitivities.

The *Alter* questions *Chazal’s kal v’chomer, a’fortiori* (lenient and strict) argument. True, the *Mizbayach* was comprised of inanimate stones, but these stones are considered *kli shareis*, vessels used for serving in the Sanctuary. As such, they are considered holy. This is why one must show them respect. The person, on the other hand, is not a *kli shareis*. Thus, there is no longer a lenient (stone) and strict (person), since the lenient is not that lenient.

We must say (deduced the *Alter*) that every Jew is a *kli shareis*; every *Yid* is *kodesh kodoshim*, holy of holies. Otherwise, we have no way to compare a *Yid* to the stones of the *Mizbayach*. As a result, each and every Jew, prior to commencing his *avodas hakodesh*, service to Hashem, should focus on his distinction and holiness. If he ignores his enormous eminence before Hashem, he will quite possibly fall to a level of disgrace and shamefulness. After all, what is holding him back? Spiritual esteem and self-awareness are possibly the greatest deterrents from sin. Rather than concentrate on the negative – punishment, we turn our heads toward the positive – spiritual esteem. Positive always trumps negative.