

w a r m t h
&
w i s d o m

Adapted from the sefer **חידותא דזעיר אנפין** and **ח敏 במצואי שבת** collections of maamarim given by the Tolner Rebbe shlita at Seuda Shlishis and Melave Malka

Melave Malka Parshas Mishpatim 5774

In this week's *Parsha*, we learn the *dinim* of an *oved ivri*. If, after completing his period of servitude, the *oved* tells us that he doesn't want to go free, his master brings him to the door and pierces his ear against the door with a sharp instrument. The *oved* is now called an *oved nirtza* - a servant whose ear has been pierced, and will remain in servitude until the *yovel*.

When the *gemara* (קידושין כ"א) discusses the details of this *halacha* we find:

"An *oved ivri* who is a *kohen* does not get his ear pierced for that would make him a *baal mum* (a *kohen* with this blemish would be unfit for the *avoda*). So why shouldn't he become a *baal mum*? Rabba bar Rav Shila says, 'the *pasuk* states - וְשָׁב אֶל מִשְׁפָּתֶךָ (וַיֹּאמֶר מ"ה:כ"א) - And he shall return to his family, this means - לִמְוחֵז בְּמִשְׁפָּתֶךָ - that he shall return to his previous status as a member of his family.'"

In this case, it means that when he eventually goes free, he must be able to return to his status as a fully functional *כהן*.

This is the *halacha* as brought down in the *Rambam* (פ"ג מעבדים ה"ה).

If we take the time to examine this *halacha*, we can learn an amazing *chidush*. The background to this *kohen's* servitude is that he is truly a criminal. The details of *halacha* reveal the depth of his depravity.

In the same *perek* (הלהכה י"ב) the *Rambam* elaborates:



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“What is the difference between someone who sold himself as an *eved* and someone who was sold by *beis din* (because he stole)? One who sells himself does not become a *nirtza*, whereas someone sold by *Beis Din* does become a *nirtza*.”

In other words, when the *gemara* examined the question of whether an *eved ivri kohen* can become a *nirtza*, they weren’t dealing with someone who sold himself because of his poverty. They were dealing with a thief!

It is also clear that they weren’t speaking about someone who was so destitute that he stole in order to feed his starving family. Chazal (קידושין י"ח) teach us that a thief is only sold as an *eved* if the amount that he stole was equal to the price that he would command in the slave market. That is not a trivial sum.

Even though the Torah requires the master of an *eved ivri* to treat him well, by purchasing such an *eved* the master has acquired someone who will serve him day and night for six years. In order to purchase the *eved* from *Beis Din*, he must certainly pay a small fortune. Therefore, if we are dealing with a thief who is sold by *Beis Din*, he must have stolen a small fortune! That is not the minor theft of a man who steals a little in order to save his family from starvation.

If any of the stolen money or goods are still to be found, they are immediately returned to the owner. In that case as well, the thief won’t be sold, because his debt will be less than his price on the slave market. This means that the *kohen/thief* who is being sold not only stole a small fortune but also spent all of it in a short period of time. It is most likely that he went on a hedonistic buying spree, squandering the stolen funds on food, drink, and other pleasure and luxuries. Once again, the details of *halacha* enable us to identify the negative character and behavior of this *kohen* prior to his servitude.

The Torah also reveals the problematic nature of this *kohen/eved* even after he has completed the mandatory six years of servitude. During



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those years, his master is allowed to match him with a *shifcha kena'anis* - a non-Jewish maidservant. The *oved ivri* is allowed to live with her. The *shifcha* and their children will remain with the master and continue to serve him after the *oved ivri* has gone free.

In the case of the *oved nirtza* who asks to remain in servitude even though he can go free, the Torah reveals why he makes such a choice.

ואם אמר יאמר העבד אהבתי את אדני את אשתי ואת בני לא יצא חפשי

And if the *oved* will say, I love my master and my wife (the *shifcha kenaanis*) and my children, I will not go free. (Shmot 21:6)

He has descended to such a low level that he wants to continue living with the *shifcha kenaanis*!

At this point, an *oved ivri* will have his ear pierced and continue to serve his master until the *yovel*. However, if the *oved* is a *kohen*, his elevated status prevents us from piercing his ear, because the Torah states, ושב אל משפטנו. When he does eventually go free in the *yovel*, he must be able to serve in the *Beis Hamikdash* like any other *kohen*. If we would pierce his upper ear, that blemish would disqualify him from being able to take part in the *avoda*.

Now that we have the full picture, we learn an astounding lesson from this *halacha*. The *halacha* applies to a *kohen* who has stolen a large sum, and then quickly squandered that small fortune. When his mandatory six - year period of servitude is up, he would be able to once return to the *avoda* in the *Beis Hamikdash*. Clearly, that means nothing to him, because he would rather remain in servitude, married to a *shifcha kenaanis*, than serve in the *Beis Hamikdash*.

Despite all of that, the Torah warns us not to pierce the ear of this *oved* because he is a *kohen* and the Torah wants him to be able to eventually take his place next to the other *kohanim* in his family, when they serve in the *Beis Hamikdash*. This is truly astounding! The *kohen* has sinned



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intentionally and repeatedly. He obviously doesn't value his ability to perform the *avoda*. We should also remember that there was never a shortage of righteous *kohanim* who yearned to serve in the *Beis Hamikdash*. Why does the Torah instruct us to have mercy on such a *kohen*?

Clearly, the Torah wants to teach us that, as Hashem told Shmuel Hanavi, **הָאָדָם יְרַאֲהָ לְעֵינָיו וְהָרַאֲהָ לְלִבָּיו** - Man sees that which is visible to the eyes, and Hashem sees into the heart. (**שְׁמוֹאֵל א ט:ג**)

When we look at this *kohen*, we see an unrepentant serial sinner. However, the *Borei Olam* in his great mercy and kindness, sees that even though he has descended to the depths of sin, he can do *teshuva* and return to his exalted status of *kahuna* serving in the *Beis Hamikdash* on behalf of *Am Yisrael*.

Therefore, we must take care not to pierce his ear in a way that would disqualify him from doing the *avoda*. In other words, all of his *aveiros* don't disqualify him from one day returning to the *avoda*. It is only the blemish of the pierced ear that would invalidate him.

This lesson applies to each and every one of us. We must realize the value of each Jew, even one who appears to be a lowly sinner. Hashem who sees all, knows that this criminal can rise up to the highest levels. We must follow in Hashem's ways, treasuring and cherishing each Jewish *neshama* no matter who he is. We can never know what that *neshama* may achieve.

וכאשר נתחזק בזה, לראות את מעלה כל איש ישראל, נמשיך עליינו ממרום הנהגה זו,
шибיתו עליינו בעין טוביה, ונזכה להתקרב אליו יתב"ש בלב ונפש חפיצה, אכ"ר



