



Wembley Synagogue

משפטים

Insights from the commentators into the Sedra of Mishpatim

וְאֵלֶּה (and) these (21:1) Rashi writes that by beginning the Sidra with the prefix "and", the Torah is connecting it to the previous Sidra, which contains the Ten Commandments. Just as those commandments were given at Sinai, so too were these.

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תַּשִּׁים לִפְנֵיהֶם -And these are the laws that you shall place before them. (21:1) Rashi in one of his comments on this verse notes that this passage, which speaks of many monetary laws, immediately follows the closing passage of last week's Sidra – Yitro, which speaks about the construction of the Mizbe'ach - altar. He quotes the *Mechilta* that derives from this that the seat of the Sanhedrin should be situated in the *Beit Hamikdash* – the Temple, in proximity to the altar. (The Sanhedrin was not actually situated next to the altar, but was located in a section of the Temple complex where non-Kohanim were allowed to enter.) The *Mechilta* means only that the seat of the Sanhedrin was in the *Beit Hamikdash*. It was actually located in the *Lishkat Hagazit* – the Chamber of Hewn Stone. The statutes that are discussed in the Sidra of *Mishpatim* include many monetary laws that do not require the adjudication of the *Sanhedrin*; even a lesser court of three judges can rule upon these kinds of cases. These smaller courts could be set up anywhere, not only in the environs of the Beit Hamikdash. Why then does the Torah use this passage to teach us that the Sanhedrin must be near the altar, if this passage applies to all judges? R' Moshe Feinstein explains that in truth, the message of proximity to the altar is apropos to every judge. A judge must know that whenever he issues a judgement in Torah law, Hashem is with him, as the verse states (Psalms 82:1) "Hashem stands with the congregation of judges." This will cause him to approach his judgements with the proper deliberation and to exercise his authority with greater care. In a sense, therefore, every judge is "before the altar" and a judge who does not comprehend this should not issue rulings, no matter where he is located. To drive home this message, the Torah requires that the highest court, the Sanhedrin, be located in physical proximity to the altar. (Source: A Daily Dose of Torah)

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תַּשִּׁים לִפְנֵיהֶם - And these are the laws that you shall place before them. (21:1) The words of this verse, noted the Baal Haturim, contain an allusion to how a judge must conduct himself during a hearing: "Veileh" – **V'**chayav **adam** **l**achkor **h**adin (an individual is required to investigate the case)
 "hamishpatim" – **H**adayan **metuveh sheya'aseh pe'shara terem ya'aseh mishpat** (the judge is obligated to find a middle ground before he imposes a ruling)
 "asher" – **im shneihem rotzim** (assuming that both parties are willing to compromise)
 "tasim" – **Tishma sheneihem yachad medabrim** (listen to both parties as they speak)
 "lifneihem" – **Lo pnei nadiv yehader, hitnaker meihem** (do not show favour to the wealthy man, distance yourself from them [the litigants]) (Source: A Shabbos Vort)

וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תַּשִּׁים לִפְנֵיהֶם - And these are the laws that you shall place before them(21:1) The laws of human justice, as specified in the Torah, do not take exceptional circumstances into account. A thief who stole because of hunger is punished in the same manner as one who stole out of greed. On the other hand, Heavenly judgment does take such factors into account, and each sinner is punished according to the circumstances. The Torah does not give authority to mortal judges to judge according to the circumstances because a human being has no way of knowing the true situation. So, a thief may appear to be destitute, in reality he may not be. G-d, the true Judge, will eventually settle all accounts according to the actual circumstances. This is reflected by the above verse. The Torah states "And these are the laws that you shall place before them." The term "before them" indicates that the laws were directed specifically to human judges, instructing them how they must deal with their cases. Judgment will eventually be meted out by G-d, accounting for every aspect of the situation. (Source: R' Ya'akov Yoseph - Magid of Vilna - P'ninim MiShulchan Govoha)

וְכִי יִרְיֹבוּ אֲנָשִׁים וְהָקָה אִישׁ אֶת רֵעֵהוּ בֶּאֱבֶרן אוּ בְאֶגְרוֹף - If two men quarrel and one strikes the other with a stone or a fist (21:18) "Nothing good comes from arguing" so infers the Midrash from the sequence of this verse; first come the heated words, then come the stones or fists. At first glance this seems too obvious a lesson for the Midrash to teach. However, there are situations where the advice of this Midrash might be valuable. At times one might feel that it is worthwhile to argue with another person to end a disagreement. One may think that if he reproveth the other party, they will give in on the issue thereby ending the trouble. The Midrash teaches us that peace is rarely achieved in the heat of debate. Each argument will be met with a counter argument and conflict will continue. The best way to promote harmony even where there is a pre-existing disagreement is to placate the other party rather than to try to "win" by arguing. Arguing just flares tempers on both sides hence, the advice of the Midrash "nothing good comes from arguing..." (Source: Maharal Diskin)

עַיִן תַּחַת עַיִן - An eye for an eye, a tooth for a tooth. (21:24)

The Gemara Bava Kamma 84a says that this verse is not to be taken literally. The Torah does not require that the assailant's eye be taken out, only that he pays for the damage he caused. How do they know this? The Vilna Gaon explains that it is implicit in the language of the verse. Instead of writing "*ayin be'ayin*" which would be the normal phrase for "an eye for an eye," the Torah states "*ayin tachat ayin*" which is literally translated as "an eye *under* an eye." Why? Because therein lies an allusion to the form of payment. The letters of *ayin* are *ayin*, *yud* and *nun* and the letters "*under*" them, i.e. those following them in the alphabet are *feih*, *kaf* and *samech* which spell *kesef*, money. In other words, the form of payment is monetary. (Source: The Parsha Anthology)

אִם יִמָּצָא הַגָּנוֹב יִשְׁלַם שְׁנַיִם - If the thief be found he shall pay twofold (22:6)

Secular law does not feature the penalty of a twofold payment. Rather, the thief is required to make full restitution for what he stole and to pay any expenses the owner may have incurred towards recovering his property and taking the thief to court. The Torah, on the other hand, requires the thief to pay twice the amount he stole. Why is this so?

The Kanfei Nesharim explains that the Torah has a twofold purpose in requiring the thief to pay – to reimburse the owner, and to punish him for his sin. Therefore, a twofold payment is in order, simple payment, as mandated by secular law, would not atone for his sin. (Source: The Parsha Anthology)

וְנַעֲשֶׂה וְנִשְׁמָע - We will do and we will obey (24:7)

Reb Simcha Bunim of P'shis'cha asks: Since each person was answering for himself, shouldn't the words have been "I will do and I will obey?"

He answers with a parable. A group of people were stranded in an arid, barren desert, with no protection from the elements. They were all parched with thirst, languishing in the blistering sun. Suddenly, a well-stocked caravan arrived on the scene. A man descended from one of the wagons, bearing large flasks of cool water. Approaching one of the thirsty individuals, he asked "would you like some water?"

Thankfully, the man replied, "yes!" We would be so grateful for some water." He spoke in the plural, for he knew with certainty that every member of the group was as desperately thirsty as he. When Bnei Yisrael were in the Sinai desert and Hashem asked them whether they wanted the Torah, each member of the nation felt with certainty that his neighbour had as great a desire to hear the word of Hashem as he himself did. They were *כְּאִישׁ אֶחָד בְּלֵב אֶחָד* - as one man, with one heart, and each could say confidently that he and all his fellow Jews were united in this longing. (Source: Something to Say)

The Sidra of Mishpatim contains 23 positive mitzvot and 30 prohibitions.

Shabbat Shalom!



Shabbat starts 5.02pm



Shabbat ends: 6.06pm

The *Insights into the Sedra* sheet is edited by Chazan Anthony Wolfson
Online at: http://www.wembleysynagogue.org/html/sedra_notes.html