

QUESTIONS ON PARASHAT MISHPATIM

Q-1. (a) Why do *Parashat Mishpatim's* civil and criminal laws follow *Parashat Yitro* (4 reasons)? (b) If an *eved ivri* (Jewish slave) refuses his freedom, why is the ritual to drill his ear done at the door (3 reasons)? (c) Why are judges called, “*elohim*” (2 views)? (*Shemot* 21:1-6)

A-1. (a) (1) To teach that these laws, like the *Aseret haDibrot*, are from *Sinai*; (2) *Yitro* ended with the *mizbei'ach's* laws – the *Sanhedrin* should render its judgments near the *mizbei'ach* (*Rashi*). (3) *Mishpatim* details categories of laws in the *Aseret haDibrot*– *avoda zara* (22:19), honoring parents (21:15,17), murder (21:12-14), illicit relations (22:15-16) (*Ramban*). (4) The *Aseret haDibrot* end with the ban on coveting one's neighbor's property – *Mishpatim* explains what belongs to him (*Sforno*). (b) (1) During *makat bechorot*, *Hashem* spared *Bnei Yisrael* who put blood on the doorposts – the door “witnessed” His making them His slaves only (*Rashi*). (2) The door leads to the street – those seeing this would reprimand the slave for rejecting freedom (*Kiddushin* 22b). (3) It conveys the slave's duty to guard his master's home's entrance (*Ba'al haTurim*). (c) (1) They uphold *Hashem's* laws (*ibn Ezra*). (2) *Hashem* is among them, dispensing justice through them (*Ramban*).

Q-2. (a) How did selling a girl as a maidservant benefit her? (b) (1) What 3 things must a husband provide his wife? (2) How do we know this? (c) Why are the kidnapping laws between the laws of injuring and cursing a parent (2 views)? (d) In the laws of a master injuring an *eved Cana'ani's* (non-Jewish slave's) limb, why does the *Torah* specify both (i) an eye and (ii) a tooth, as limbs freeing him (2 views)? (e) How do we know “an eye for an eye” means payment, not injuring the other's eye (6 views)? (f) The *Torah* says that if an ox that habitually kills people kills someone, “its owner shall die” – how do we know that *Beit Din* does not execute the owner (3 views)? (*Shemot* 21:9-10, 15-17, 26-27, 29)

A-2. (a) Being a maidservant opened marital and financial prospects for a poor man's daughter, since her master or his son was expected to marry her (*Hirsch*). (b) (1) (i) Food; (ii) clothes; (iii) marital relations; (2) since a master must give them to a maidservant, a husband certainly must give his wife them (*Sefer haChinuch* – *Mitzvah* 46). (c) (1) Injuring a parent's penalty is strangulation, but for cursing them, stoning – since kidnapping's penalty is strangulation, it is stated next to injuring a parent; (2) most kidnap victims are small children who, not knowing their parents, may violate the other 2 laws (*Ramban*). (d) (1) Saying only (i) an eye implies only organs the *eved* had at birth – not teeth, which grow later; (ii) a tooth implies even a baby tooth, which will be replaced – stating an eye shows the law applying only to permanent teeth (*Ramban* – *Hilchot Avadim* 5:4). (2) The *Cana'anim* were slaves due to *Cham's* sin with his (i) eyes and (ii) mouth – (i) seeing his father uncovered and (ii) telling his brothers – blinding the *eved's* eye or knocking out a tooth atones for *Cham's* sin, for which he deserves freedom (*Medrash Lekach Tov*). (e) (1) For injuring an animal, one pays for the injury – the injurer's animal is not injured (*Vayikra* 24:18) – the same surely is true for a person; (2) for murdering a person, one loses his life (*Bamidbar* 35:30), implying that only injuring a limb, one does not forfeit a limb; (3) since 2 persons' eyes may have different abilities, reparation only can be money; (4) a blind person cannot pay by losing an eye – payment must be money; (5) removing the injurer's eye could kill him, an unequal penalty; (6) 21:19 says that the injurer must pay only for the victim's lost time and healing – it excludes physical injury (*Bava Kama* 83b-84a). (f) (1) *Bamidbar* 35:21 says that a person may be put to death only for a murder he commits, excluding murder by his animal (*Rashi*). (2) *Beit Din* may impose a ransom for the owner's life – since *Bamidbar* 35:31 bans ransoming murderers, the *Torah* must mean “death by the hands of Heaven” (*Mechilta*). (3) The *Torah* here says “*yumat*” (he will die), not “*mot yumat*” (he shall surely be put to death), implying that *Hashem*, not *Beit Din*, will cause his death (*Ramban*).

Q-3. (a) (1) When the *Torah* says, “a sorceress ‘*lo techayeh*” (you shall not permit to live), why does it not use the usual term “*mot yumat*” (shall be put to death) (4 explanations)? (2) Why does the *Torah* specify a sorceress, and not a man? (3) Why is sorcery banned? (4) Where are sorcerers subject to the death penalty? (b) How does lending to a poor man without interest benefit the lender? (*Shemot* 22:17,24)

A-3. (a) (1) (i) Not only is it a positive *mitzvah* to execute them, one violates a negative *mitzvah* by not killing them (*Ramban*). (ii) Sorcerers prefer working in seclusion – *mot yumat* would tell us to execute them when we come across them, while *lo techayeh* requires us to seek out and destroy them (*Rashbam*). (iii) The penalty for sorcery is stoning – if we cannot stone them, we must use the swiftest way to execute them (*Sanhedrin* 67b). (iv) *Beit Din* may not execute more than one person per day, but many sorcerers may be executed in one day (*Sanhedrin* 6:4). (2) While the law applies also to men, women usually did witchcraft; (3) sorcery is done with the power of *tuma* (impurity) – *Hashem* requires us to act with *kedusha* (holiness), not *tuma*; (4) only in *Eretz Yisrael* (*Sefer haChinuch* – *Mitzvah* 62). (b) The lender is *Hashem's* agent in providing for the poor man – he is guaranteed *Hashem's* financial reward (*Kli Yakar*).

Q-4. (a) Why is the *mitzvah* to bring *bikurim* (first fruits) in the same verse that bans *basar be-chalav* (meat cooked with milk)? (b) Why does the *Torah* state the ban as not “cooking” *basar be-chalav*, while for other forbidden foods (e.g., *tereifa*, *cheilev*, *neveila*), the *Torah* says only, “do not eat it” (2 views)? (c) How is getting rid of *basar be-chalav* stricter than for other forbidden foods (2 ways)? (*Shemot* 23:19)

A-4. (a) It teaches that just as *basar be-chalav* is *asur be-hana'a* (deriving benefit from it is banned), one may not derive any improper benefit from *bikurim* (*R. Bechaya*). (b) (1) Mixing *basar be-chalav* creates a spiritually harmful mixture (*Sefer haChinuch – Mitzvah 92*). (2) Eating other banned foods is a sin only when deriving pleasure from eating it – *basar be-chalav* may not be eaten even if one derives no pleasure from eating it (*Pesachim 24b*). (c) (1) If one destroys *basar be-chalav* by burning it, he may not derive any use from the ashes; (2) *basar be-chalav* cannot be thrown in the street for animals to eat, as with other forbidden foods (*Shulchan Aruch – Yoreh De'ah 94:5*).

Q-5. (a) In terms of helping with a lost or overburdened animals, why does the *Torah* say both (1) “if you encounter” and (2) “if you see” [the animal]? (b) (1) When did *Hashem* send an angel to lead and protect *Bnei Yisrael*? (2) Why did He send an angel? (c) Why did He promise, as reward for serving Him, no infertile women but did not promise no infertile men (2 explanations)? (d) (1) What was the *tzirah* that would drive away the *Cana'ani* nations (2 explanations)? (2) Where in *Eretz Yisrael* would the *tzirah* attack (2 opinions)? (*Shemot 23:4-5, 20, 25-28*)

A-5. (a) (1) If it said only “encounter”, it would apply only to an animal right next to you – “see” applies it to an animal at a distance; (2) if it said only “see”, it would apply regardless of the distance – “encounter” limits it to an animal within 266 *amot*, about 1/10th of a mile (*Mechilta*). (b) (1) After *Moshe* died – *Hashem* led *Bnei Yisrael* while he was alive, sending an angel to *Yehoshua* to lead in *Eretz Yisrael's* conquest; (2) since *Bnei Yisrael* would sin in the *cheit ha-eigel*, they were unworthy to have *Hashem* lead them – He delayed the angel's coming after *Moshe's* plea; (c) (1) the verse addresses women, who have more common reproductive problems, but men also will be blessed; (2) men already were included in “I shall remove illness from your midst” (*Ramban*). (d) (1) (i) Deadly hornets (*Rashi*). (ii) A kind of leprosy (*ibn Ezra*). (2) (i) The *tzirah* helped only *Moshe's* fight against *Sichon* and *Og* east of the *Yarden*, as indicated in *Yehoshua 24:12*; (ii) there were 2 *tzirahs*, one on the east bank helping *Moshe*, and a 2nd *tzirah* on the west bank helping *Yehoshua* (*Sotah 36a*).

Q-6. (a) Who were the youths *Moshe* sent to bring *korbanot* (2 views)? (b) What was “*Sefer haBrit*” he read to *Bnei Yisrael* (5 opinions)? (c) When answering, “*na'aseh ve-nishma*”, why did they say *na'aseh* (we will do) before *nishma* (we will listen) (2 reasons)? (2) Why did they first say here (i) “*na'aseh*” (we will do)” (24:5), then, (ii) “*na'aseh ve-nishma*” (we will do and we will listen) (24:7) (2 views)? (d)(1) Who were *Chur's* parents? (2) When did he die? (3) Who was his grandson? (*Shemot 24:3 – 7,14*)

A-6. (a) (1) Firstborns (*Rashi*). (2) Young men who had not yet sinned (*Ramban*). (b) (1) All of the *Torah* from *Bereishit* until *matan Torah*, including the *mitzvot* commanded at *Mara* (*Rashi*). (2) All the laws given up to this point, particularly in *Mishpatim* (*Ramban*). (3) The *tochacha* (admonitions) in *Bechukotai* (*Chizkuni*). (4) The *Aseret haDibrot* (*Panei'ach Raza*). (5) The verse, *Shemot 19:5*, denoting *Bnei Yisrael's* status as an “*om segula*” (chosen nation), if they obey *Hashem* (*R. Bechaya*). (c)(1) *Bnei Yisrael* had such complete faith that they (i) agreed to perform whatever *Hashem* commanded before knowing what was required; (ii) believed He would not burden them with *mitzvot* they could not uphold (*Shabbat 88a-b*). (2) This refers to (i) the *Aseret haDibrot*; (ii) whatever they are told to do in the future (*Kol haTorah*). (d)(1) *Miriam* and *Calev*; (2) when he objected to making the *eigel ha-zahav*; (3) *Betzalel*, who was in charge of making the *Mishkan* (*Medrash Tanchuma*).

Q-7. In the *haftara*, since *Bnei Yisrael* annually contributed *shekalim* for the *korbanot* and other communal purchases, why did King *Yehoash* order some *shekalim* used for *Beit haMikdash* repairs? (II *Melachim 12:5*)

A-7. In Queen *Ataliah's* 6-year reign, no *shekalim* were collected, with neither *korbanot* nor repairs done in the *Beit haMikdash* – when people donated all the *shekalim* they should have contributed during those 6 years, there was enough money for the *korbanot* and repairs (*Radak*).