

## Mishpatim - Rabbi Lerner - February 12, 2012

The Juxtaposition of the Parshios

21:1: "*Ve'Eyleh Hamishpatim* - And these are the judgments that you shall place before them."

**Rashi: Midrash Tanchuma:** Why does this new parsha begin with a Vav Hachibur, avav that connects to the previous parsha? Wherever it says the word *Eyleh* in the Torah it is meant to cut off this new segment with the previous one; however, whenever there is a vav preceding it to make the word *Ve'Eyleh* it comes to connect it to the previous parsha, to add on what was said previously. **Mechilta:** This vav comes to teach us that just as the previous words were from Sinai, all of these commandments that the Torah is about to elaborate in Mishpatim were also from Sinai. And why add all of these dinim of parshas Mishpatim to the previous topic that ended Yisro, the command to build the Mizbeach? What is the connection? To tell us that the Sanhedrin was placed in the Beis Hamikdash, in the Lishkas Hagazis, where they would judge the people.

**Sifsai Chachamim:** Build on what Rashi says - now that it is written *Ve'Eyleh* with a Vav it is not coming to take away but to add to it - to tell us that the mitzvos that were given here were done in the same way as the Ten Commandments, with fire, thunder, and lightning. This is to the exclusion of the rest of the Torah which was given quietly to Moshe on the mountain, and that is how he would ultimately transmit it. The laws of Mishpatim were different from the rest - these were given with the same hoopla - just as Rashi says, that just as the Ten Commandments were given on Har Sinai in that style, so were these dinim in Mishpatim. **Maharal:** rejects this claim, saying that this explanation is not correct - Rashi didn't say that just as the Dibros were from Sinai, these are from Sinai - he quoted the Mechilta saying just as *these* previous mitzvos were given, so these mitzvos too originated from Sinai. He includes the entire Torah, all the 613 mitzvos; they were all given on Har Sinai; no one said they were all given with fire and lightning; not everyone was privy to this type of revelation - only the Dibros were given that way. These mitzvos in our parsha were not set apart that way to be elevated above the rest of the Torah.

**Oznayim LaTorah:** there is a problem with parshas Mishpatim in the sense of what precedes it and what follows it. Immediately before the parsha is a command to make a Mizbeach for sacrifices, built with stones that were not hewn with metal implements, along with a ramp instead of steps. Then following our parsha are the parshios describing the commands and details of building the Mishkan with all of the vessels and the clothing of the Kohanim; all of the massive details involved are described at length, and this ends with the actual building of the Mishkan in Pikudei. This parsha of Mishpatim is glaringly out of place - why does it interrupt the building of the Mishkan? Because Hashem hates stolen korbanos - a stolen animal disgusts God - showing oneself to be close to God with a korban by stealing the animal is repulsive to God; He hates theft. Therefore, as soon as Hashem mentions a Mizbeach to offer korbanos to Him, before getting to the details involved with how to build things and what materials are needed to be donated, this section of laws intervenes to warn us about the importance of these laws that involve interpersonal actions. One first must look into one's wallet to make sure it is kosher money being donated; only then will Hashem sanction it; He is not interested in dirty money. He does not want a house built on soiled donations. God precedes the entire concept of donations with the dictum of cleaning up your act by spelling out all of these laws - you must adhere to all of these before donating anything to the House of God.

**Maharal:** it is not difficult to understand why the laws of Mishpatim follow the command to build the Mizbeach, because these laws are equal to the Mizbeach. The altar's function is to create peace - upon the altar we bring korbanos, whose root language - *karov* - means to draw close - it allows one to

draw close to God through the vehicle of these sacrifices; that is how we solidify our relationship with God. This place allows us to get close to God. And Mishpatim accomplishes the same thing as korbanos - following the laws brings unity and peace to the world, just like the Mizbeach. As the **Mechilta** says: why is Mishpatim immediately following the Mizbeach? When there are feuds and disputes between people, these laws will settle the arguments and bring peace; they are the means to keep the Jews together; without adjudicating these disputes, God cannot get close to us; when we fight and squabble, it is painful to God and He leaves the scene. When we cannot get along with each other, God distances Himself. Just as the Mizbeach brings us close to our parent in heaven, so will the elimination of strife and dispute; that is why the Sanhedrin have to be right there in the Bais Hamikdash; this is the way to resolve conflict.

21:1: **Lifneyhem**: On the word Lifneyhem, **Rashi** says it means before Bnei Yisrael and not before the Goyim; when there is a dispute you must bring it before our courts and not those of the Goyim. Even if they have the same guidelines and principles as we do, with the same likely outcome, it is prohibited to bring our disputes before the Goyim - it is a Chilul Hashem to bring these before the Goyim, as if saying that their laws are greater than God's; you must stick to our own judicial system and not use the secular courts who have non-Torah people doing the judging. **Rav Schlessinger**: it is not just that they have the same laws as we have. We say in our daily davening pasukim from Tehillim: *Magid Devorav LeYaacov, Chuckav Umishpatav Leyisrael*. Chukim are irrational laws - we do not understand the reasoning behind such concepts as kashrus, shatnes, the parah adumah and others, as opposed to Mishpatim, laws that we understand - Hashem gave us both types of these to follow. He did not give these to other people - *Lo Asa Chen Lechal Goy Umishpatim Bal Yida'um Hallelukah* In this following pasuk it says that He did not do the same to the nations of the world, they don't know Mishpatim. Why does the first pasuk say that Hashem gave us both Chukim and Mishpatim, while the second pasuk says that the nations don't know God's Mishpatim? They clearly don't know Chukim, which have no reasoning; but they also don't know and understand Mishpatim, the logical laws. They don't know that these laws are from the ultimate source. When you just derive laws from human logic, you don't really understand the laws. Many of our laws are symbols of things - Shabbos, Succah, etc - for those all would admit that we need God to determine and establish the laws. But what about laws between people? Can't they be derived from human intelligence? This parsha tells us that when the laws do not come from God, when they do not have God's imprimatur, you cannot trust the laws. Judgment has to be infallible, and than can only be when they come from God.

**Rav Nissan Alpert**: adds to this idea: why do we have to have our system of interpersonal laws elaborated in Mishpatim? Their laws are built on human logic, but humans by definition are filled with prejudices and biases. We can construct all kinds of things that make sense but they are imperfect and cannot be trusted. The human mind cannot be so pure and holy to get all of the laws completely right. As an example, by secular law, a person caught stealing is thrown in jail - the laws punish the thief, but what about the victim? The Torah says that the thief gives double the amount to the victim, so that theft does not help a thief monetarily - this helps the victim while teaching a lesson to the perpetrator. **Rav Schlessinger**: God is worried that after giving the Torah, people might not understand that the mitzvos Bein Adom Lachaveyro are as important as those Bein Adam Lamakom. Our mishpatim are not just a result of simple logic - they are from God. That is why the very first body of laws detailed after giving the Torah must emphasize this - the Mishpatim which we think we can figure out ourselves can only come from Hashem.

**Ramban**: Why does Mishpatim follow the Aseres Hadibros? If you look carefully into the Ten Commandments, you will find that these laws of Mishpatim are linked to them, giving more details, including such things as punishments for the sins. Among the Mishpatim are those that apply to the Ten

Commandments - in 22:19 it tells what punishment idolaters will receive; if you fail to give proper honor to parents, in 21:15 and 21:17 it says that you will die. Similarly, 21:12 tells what punishment awaits the murderer. And there is also the punishment for types of sexual immorality in 22:15-16,18.

**Abarbanel**: the entire parsha of Mishpatim all give teeth and detail to the Ten Commandments. There is a debate amongst the meforshim as to the whether there is a rational arrangement to the dinim of our parsha; some of the commentators, such as Rabbi Meir, say that you don't derive out anything from the juxtaposition of these laws because things seem to be in such random order in the parsha. But of course there is order in the parsha, just as in the rest of the Torah - if you look carefully you will see groupings of mishpatim that tie in to the Ten Commandments. As an example, related to the prohibition against murder, 21:12 introduces the topic of murder, and then goes on to discuss the different kinds and subtypes of murder. This topic will include the following pasukim that discuss the related subjects of striking people; the stricter punishment for even drawing blood of a parent. The next pasukim discuss derivatives of Lo Tirtzach, which include kidnapping and cursing a parent; then there is attempted murder, with an end result of just wounding someone - this introduces the concept of different kinds of remuneration; and then there are laws of killing a slave, and injuring a pregnant woman. In a similar manner, why is the first law discussed about slavery? **Ramban** says it is because it is the most basic law of that matches creation, where God 'toiled' for 6 days and then rested on the seventh; in a like manner, the slave works for six years and is released on the seventh. **Abarbanel**: when someone is under our control, we have to recognize human rights and human dignity, even for someone who is a slave of ours. If we stop recognizing his rights, the outgrowth is that we kill him; we must recognize human dignity, and that is why the parsha begins this way, with the proper behavior towards a slave under our control - human rights and dignity all flow from the understanding of these laws.