

Points to Ponder  
Mishpatim 5776

**These are the Mishpatim that you should place before them (21:1)**- The Sanhedrin met in Lishkas HaGazis which is identified as being half in the Mikdash and half not. Ramban explains that this was the case so that the Sanhedrin would have the inspiration of the Luchos in their Psak. **Rav Schachter Shlita** points out that even after Yoshiahu HaMelech hid the Aron, the guidance of Psak is built on the idea of Siyata D'Shmiya which helps protect the Rav from erring in Psak.

**And his master shall bring him to the door and prick the ear (21:6)** – **Rashi** cites the Gemara (Kiddushin 22b) that explains that we do Retziah in the ear because it was the ear that heard at Sinai that the Jewish people were supposed to serve Hashem and now wants to remain a slave to another man. **Rav Shimon Schwab ztl.** asks why we do not prick the ear when the person is sold if, after all, the same ear heard that a Jew is not supposed to steal? Rav Schwab ztl. answers that when one steals a soul from the Jewish people he is not stealing from the rest of the nation, he is stealing the person from his obligations to Hashem. Now, at the time he makes the choice to remain a Porek Ol, he deserves the punishment of Retziah.

**Dinei Nezikin** – The Gemara in Bava Kamma (4a) expressly exempts the owner of a slave from paying for damages caused by the slave in order to prevent the slave from exacting revenge on his master. **The Chazon Ish ztl.** learns that it is impossible for one to make another responsible for the damages of a Baal Bechirah. **Rav Pam ztl.** would often add that the same is true for those who blame others for wasting time. The surroundings that one has, often impacts the one's use of time but ultimately it is the Baal Bechirah who is responsible for how the time is spent.

**You should be people of Kedusha to me... meat in the field is a Treifa, it should be left to the dogs (22:30)** – **Rashi** reminds us that this was a reward for the fact that the dogs were silent when the Jews left Mitzrayim. **Rav Shmuel Barenbaum ztl.** asked why we reward the dogs who lacked Bechira how to act? He explains based on **Ramban's** commentary that the reason we are unable to eat Treifos is that it is against our nature but we still need to withstand the nature. Similarly, barking is in the nature of the dog. If the dog is not able to follow its natural inclination, it must have been pained. If it withstood its nature, we need to withstand ours and also be Maker Tov.

**You shall certainly return them to your brother (23:4)** – **Rav Elyashiv ztl.** pointed out that there are 2 types of lost objects: those that can seek out their owners (sheep etc.) and those that cannot. In regard to the former, it is easier to guarantee that the object and the owner will reunite in that both are seeking. Rav Elyashiv ztl. added that the idea of returning lost objects applies to returning lost Jews who are also seekers who must be brought to see the lifestyle – Torah – that they are missing.

**I will fill the number of days in your life (23:26)** – **Rav Shmuel Brazil Shlita** explains that there are 2 aspects to the fulfilled life that are mentioned here as a result of Torah and Mitzva living: There are days that are “numbered” – that one does the Mitzvos to be Yotzai and then there are those days that are filled with Torah living that describes not how one does Torah but how one lives Torah. The first type, have no Peiros – there is no satisfaction in doing the Mitzvos simply because they are being done without feeling and by rote. At their weakest, Mitzvos performed this way are seen as a burden. To these Hashem promises Es Misar Yameicha Amaleh – to change them into the latter version.

**And under His feet was like a brickwork of sapphire and an appearance of the heavens in their brilliance (24:10)** – Rashi explains that the brickwork was a reminder of Hashem's eternal concern for Am Yisrael – even while enslaved in Mitzrayim. But why were they made of Sapphire and not of mud and straw like the ones in Mitzrayim had been? **Rav Belsky ztl.** explains that the lesson the Torah wants us to internalize is not that of the brick and the mud but rather the lessons we learned in it. The Jews learned the lessons of leket and knowing another Jew's suffering because, as we are reminded, V'zacharta Kee Eved HaYisa. The lesson of the suffering in Mitzrayim taught the Jew to create a sensitivity in their character. The greatness of a person is revealed when s/he can take the hardship bricks of clay in his/her life and transform them into gems of beauty.

**Haftorah: And you returned and desecrated my name to return people to their state of slavery (Yirmiyahu 34)** – **Rav Avrohom Rivlin Shlita** explains that that in a country in which there is slavery, even if it involves only a very small percentage of the population, the entire country is considered to be in a state of subjugation. The reality of slavery is that it leaves its imprint on the entire society, transforming it into a society of slaves! In the seventh year, each slave goes out individually based on when he was bought, and therefore it has no impact on society. However, in the Yovel year, when the presence of slavery is completely annulled, all the inhabitants of the land go free; that is, it is a free land! This concept stands out in Yirmiyahu's prophecy. Each time that "chofesh" is used, it is said regarding individual slaves. However, when Yirmiyahu uses the word "d'ror," he is speaking of the entire nation as brethren. When there is freedom for all slaves, there is liberty for the entire society, because then everyone returns to their state of natural purity - "mor d'ror."