Points to Ponder

Mishpatim 5779

**וְאֵ֨לֶּה֙ הַמִּשְׁפָּטִ֔ים  These are the laws (21:1)** - In his opening comment on the *parsha*, **Rashi** points out (quoting the *tana'im*) that the correct location of the Sanhedrin is in the *Beis Hamikdosh*. The particular room (known as the *lishkas hagazis*) in which they met during the period of *Bayis Sheini* was divided into two parts. One half was sanctified with the *kedusha* of the *azarah*, while the other half only had the *kedusha* of the *har habayis*. No one may sit in the *azarah* except for a king who is a descendant of *malchus Beis Dovid*. Even the seventy one members of the *Sanhedrin* had to be careful to only sit in the half of the room which did not have *kedushas ha'azarah*. **Rav Schachter Shlita** would regularly quote the **Netziv** who noted that toward the end of the first Beis HaMikdash the Aron was Nignaz in order to give the Sanhedrin a chance to practice Psak without the heavy overt presence of their proximity to the Luchos. **Rav Schachter** added that even after this major change, our ability to rely on the *psak* of a human being is still based on the assumption that "*sod Hashen leyerai'av*" (*Tehilim* 25:14). Whenever we don't know one way or another, we should assume that a *talmid chacham* who is God fearing has had divine assistance to *pasken* properly. When the *Sanhedrin* sat in their office near the *aron* with *luchos* we assumed that they had an even stronger degree of *siyata dishmaya* not to err. Whether during the earlier years of the first *Beis Hamikdash* (when the *aron* was in the *kodesh hakodoshim*), during the period of the second *Beis Hamikdash* (when the *aron* was in the specially designed vault in the basement), or nowadays (when the *rabbonim* are nowhere near the *aron* at all) the right (and the obligation) to assume that the *psak* of a rabbi is not in error is certainly based on the supernatural assumption that the rov was granted divine assistance not to err.

**עֶ֣בֶד עִבְרִ֔י  Eved Ivri (21:2)-- Rav Asher Weiss Shlita** noted the proximity of the story of Naaseh V’Nishma in this week’s Parsha to the life and law of Eved Ivri. He utilized the famous comment of the **Lev Simcha** who once told his Chassidim that if when reciting Hallel they were to have the greatest Kavana when saying “Ana Hashem” they could do amazing things. The Chassidim debated as to whether their Rebbe meant Ana Hashem Hoshiya or Ana Hashem Hatzlicha and he explained that he meant “Ana Hashem Kee Ani Avdeicha”. Rav Asher added that the first 2 “Ana Hashem” examples begin with a pleading “Ana” (where Ana ends with an  Alef) while the one he referenced was an “Ana” that ended with a “Heh” which was a statement of Hakarat HaTov. When one says that one -- where we are thanking Hashem for making us His servants -- we have the ability to recognize the single most important thing in our lives -- that we have the connection that gives meaning to everything -- and that will inspire others as well. This was achieved at the time of Maamad Har Sinai. We became Avdei Hashem and were finally free of all other burdens.

**לֹ֥א תֵצֵ֖א כְּצֵ֥את הָֽעֲבָדִֽים:  When a man sells his daughter as a maidservant, she shall not leave as the servants do  (21:7) - Ramban** explains that this means that if he dislocates her eye or tooth, she might not go free but he must pay her for the damage. **Rav Wolbe ztl.** quoted from Uncle Tom’s Cabin that in the old Slavery movement, the slaves, male and female were there to allow one to do with them as the master wanted. This was not the case with the Jewish concept of slavery. The Jewish slave was entitled to some sort of workfare wherein the owner needed to care not only for the slave but also for his family and had to pay work related injury fees. Even the Eved Canaani was given certain Torah based rights wherein one could not damage him and if he did, in the eye or tooth, he was entitled to his freedom.

**מֵעִ֣ם מִזְבְּחִ֔י תִּקָּחֶ֖נּוּ לָמֽוּת: From my Mizbeiach he shall be taken to his death (21:14) - Ibn Ezra** notes the stark contrast to the Shogeig-- in the latter case, there is a potential for Ir Miklat while here, with the Meizid the holiness of the Mizbeiach - the most holiest of places, shall not protect him. Why? **Rabbeinu Bachaya** explains that the rule needs to be this way because it is the will of Hashem. Demonstrating Rachmanus when the law is to encourage death, is Achzariyus on the world. **Chasam Sofer** explains that the one who committed murder and hangs out on top of the Mizbeiach is in the wrong place. The Mizbeiach extends life and he who took a life willingly, cut one off -- he does not deserve the protection of that which extends life. Thus, he is removed. **Rav Binyomin Eisenberger Shlita** used this idea to explain why it happens that people who engage in known Segulos for Arichus Yamim do not always achieve it. The answer is that one cannot have the long life if s/he is still attached to things that cut off life. Engaging in behaviors that cut life short and asking for long life is a contradiction and it is not a surprise that such contradictions do not work.

**וְחָֽדַלְתָּ֖ מֵֽעֲזֹ֣ב ל֑וֹ  And you shall hold back (23:5) - Rashi** comments that this phrase is read as a question. **Rav Michel Feinstein ztl.** noted that this is the only time that the Torah mentions approaching a human with a question instead of a command.   The reason, he explains, is obvious. The Torah could not understand how a human could see someone else who needs assistance and not provide it. Even if you are commanded to dislike someone, you are still obligated to see his Tzelem Elokim and to look to him to reduce that burden fully.

**נַֽעֲשֶׂ֥ה וְנִשְׁמָֽע  Naaseh V’Nishma (24:7)** - The Talmud (Shabbos 88a) notes that when Bnei Yisrael put Naaseh before Nishma 600,000 angels came down and tied 2 crowns to the heads of each member of Klal Yisrael -- one for Naaseh and the other for Nishma. **Rav Neriah ztl.** explained that this was a result of their realization that in the same way it is impossible to gaze at Hashem it is also impossible to fully “get” his Mitzvos. This does not mean that one is exempt from them. There is some value to performing the Mitzvos. Getting more involved with Mitzvos by performing them allows one to be able to fully grasp them on a deeper level. This is the intent of Naaseh before Nishma -- by doing one is able to get around the ideas and concepts and become able to fully grasp the intent on a deeper level.

**וַיְהִ֤י משֶׁה֙ בָּהָ֔ר אַרְבָּעִ֣ים י֔וֹם וְאַרְבָּעִ֖ים לָֽיְלָה:  Moshe was on the mountain for 40 days and 40 nights (24:18)** - The Gemara (Menachos 99b) compares the gestation period of a child to the giving of the Torah -- just as one is given in 40 days, so too, the other is generated in 40 days teaching us that one who keeps the Torah, the Torah will protect his/her soul. What is the comparison? **Rav Elya Svei ztl.** explained that  each time Moshe went up the mountain he went for a period of 40 days. In order to properly acquire Torah, one needs to do so with a newness of spirit -- that spirit takes 40 days to develop.

**Haftarah -  אָֽנֹכִ֗י כָּרַ֚תִּי בְרִית֙ אֶת־אֲב֣וֹתֵיכֶ֔ם בְּי֨וֹם הֽוֹצִאִ֚י אוֹתָם֙ מֵאֶ֣רֶץ מִצְרַ֔יִם מִבֵּ֥ית עֲבָדִ֖ים I made a covenant with your fathers on the day that I brought them forth out of the land of Egypt (Yirmiyahu 34:13)** - Why is it so important to teach the lesson of setting the slaves free at the moment of Maamad Har Sinai? **Rav Chaim Shmuellevitz ztl.** suggests that it is hard to let something or someone go away for nothing. However, at the moment that someone realizes what freedom means on a personal level, s/he is more inclined to share that experience with others in a similar predicament. Hence, it was at that moment of freedom that Hashem taught the lesson of sending the slaves free to highlight the point of appreciating and sharing the freedom.