Points to Ponder

Mishpatim/Shekalim 5780

**וְאֵ֨לֶּה֙ הַמִּשְׁפָּטִ֔ים These are the Mishpatim that you will place before them (21:1) - Rav Schachter Shlita** would often note that there is a Machlokes in Sanhedrin as to whether Peshara (arbitration) is permissible, permitted or obligatory. We hold it is a Mitzva. But what is Peshara? **Rav Soloveitchik ztl** stated that Peshara refers to what Yosher dictates even if it is beyond the letter of the law. Rav Schachter added that sometimes this means paying in full and sometimes it is even a Chutzpah to ask for the letter of the law. He used the example of the person who borrows a piece of jewelry from an employee, loses it and then argues that there is no need to pay since Baalav Emo.

**וְרָצַ֨ע אֲדֹנָ֤יו אֶת־אָזְנוֹ֙ בַּמַּרְצֵ֔עַ You shall pierce his ear (21:6)** - Why his ear? It is because that is the ear that had heard that Bnei Yisrael are only supposed to serve Hashem (Kiddushin 22b). When you choose to be a slave, Hashem wants your ear to open more. **Rav Belsky ztl** explained that the purpose of the piercing is to get him to have better hearing. He thinks that everything is ok as a slave to another. He needs to open his ear to hear better.

**עַ֚יִן תַּ֣חַת עַ֔יִן  Eye for an eye (21:25)** - Secular societies took this literally. Even in Chazal, Rabbi Eliezer saw this as a potentially literal punishment. The other Chachamim argued. How did they arrive at their conclusion that the intent of the Possuk was Mamon? **Rav Yaakov Medan Shlita** suggested that the moment there is a choice between death or amputation, on the one hand, and monetary compensation, on the other, a person is obligated to choose the latter, on the basis of the principle, “And you shall choose life”.

**כִּ֣י אִם־צָעֹ֤ק יִצְעַק֙ אֵלַ֔י שָׁמֹ֥עַ אֶשְׁמַ֖ע צַֽעֲקָתֽוֹ I shall certainly hear his scream (22:22)** - Why the double language of “I will certainly hear”? **Rav Michel Feinstein ztl**. explained that even the Middas HaRachamim will work AGAINST the person. Usually, the Middas HaDin prosecutes the sinner and Middas Harachamim tries to defend but when the person tortures a widow or an orphan Middas HaRachamim stays with the orphan.

**אִם־כֶּ֣סֶף | תַּלְוֶ֣ה אֶת־עַמִּ֗י When you have money (22:24)** - The Torah sees the prohibition against Ribbis as being a major violation. While it is a financial one deserving of placement in Choshen Mishpat, it appears in Yoreh Deah. Why? It seems that based on our Parsha, Hashem takes special exception to the one who accepts Ribbis as not only an affront to one’s fellow man but to Hashem as well. But why can’t Ribbis be collected if both parties agree to it? **Ksav Sofer** explains that the Torah abhors passive self advancement. The Torah wants us to work for our advancement. When it comes without any effort on our part, the Torah is not ok with the process.

**לְמַ֣עַן יָנ֗וּחַ שֽׁוֹרְךָ֙ וַֽחֲמֹרֶ֔ךָ 6 days...so that your ox and your donkey will rest (23:12)** - Is the purpose of Shabbos merely to give the donkey some time off? **Rav Zevin ztl.** explained that the message here is that Shabbos is not only about not working, it is about achieving a state of mind. By not having your animals working, they will not be on your mind.

**וַיִּקַּ֤ח משֶׁה֙ חֲצִ֣י הַדָּ֔ם Half the blood he poured on the Mizbeiach (24:6)** - Why was the blood split 50-50 between the Mizbeiach and the people? **Rav Hunter ztl** notes that the Luchos were also split 50-50 and are identified as Luchos Habris. In fact, we find 50-50 whenever we mention a bris because a good Bris has a 50-50 devotional split. Here, when the Bris is about Torah, it also needs a 50-50 split but instead of between parties, the split has to be in the Bein Adam Lamakom vs. Bein Adam l’chaveiro realm. The responsibilities are equal. **Rav Yisroel Reisman Shlita** added that this is a Yesod Gadol in Avodas Hashem — that when you have one without the other, you have a lack in your Avodas Hashem.

**Machatzis HaShekel (30:15)** - Why is the concept of ½ stressed here? **Rav Shlomo Alkabetz ztl**. highlighted the idea that we are only a part of who we are without our Achdus. **Rav Binyamin Eisenberger Shlita** notes that this idea comes from the natural concept of man not being good by himself. This is the ultimate message for the month of Adar which is designed to counteract the claim of Haman in the past -- that we are Mifuzar U’Miforad and not united.

**Haftara - וַיִּתֵּ֣ן אֹתוֹ֩ אֵ֨צֶל הַמִּזְבֵּ֜חַ And he placed it next to the Mizbeiach (Melachim II 12:10)** - In Divrei HaYamim (II: 24:8) we see that the box was put outside of the Nikanor gate. How do we explain the contradiction? The Korban Haeidah (Shekalim 6:4) suggests that Yehoyada placed it near the Mizbeiach but the king moved it to the gate. Why? **Rav Yitzchak Sorotzkin Shlita** notes that the King wanted everyone -- even those who were Tamai and could not enter the Mikdash -- to have the chance to pay their obligation and join with the Jewish people. The chance to join in the project is an important one and allows everyone to join the people.