

## Parsha Shiur by Rabbi Mayer Friedman

### פרשת משפטים

#### ואלה המשפטים אשר תשים לפניהם

**“And these are the judgments that you shall place before them” (21:1)**

The first word of the parsha, “ואלה,” “and these,” seems to be a paradox. “And” seems to denote other things in addition to what is mentioned, while the word “these” seems to imply only these specific items. R’ Dovid Feinstein explains that the way in which to add to the Torah is from within, from these specific items that are already in the Torah. The way Jewish law is derived is only through what is in the Torah. We need look no further than the Torah to understand how to view contemporary issues. We should not decide based upon our own logic. Rather, we should learn the laws that are written in the Torah and apply them to modern-day situations.

What does "that you shall place before them" mean? Rashi quotes the following Chazal: "Hashem told Moshe: It should not occur to you to say: I shall teach them the law two or three times until they have memorized it but I shall not trouble myself to make them understand the reasons and explanations. Moshe was to 'place it before them' like a table that is set for a person with a meal ready to be eaten." Moshe was to place the laws in front of the Bnei Yisrael in a way that was easy to understand, with everything set up for them. This Rashi illustrates the responsibility that a teacher has to his students. There is no mitzvah to make the subject matter difficult. The teacher must be creative and seek out the best way for the students to find the learning like a set table. He must prepare well and do sufficient research. In this way, his students will gain a proper understanding of the halacha and will not make mistakes in the halacha.

R' Moshe Feinstein wrote (Igros Moshe Yoreh Deah 3:91) that it is forbidden to write seforim that only give the bottom-line halacha without providing explanations or references. This is because without the full explanation, one can easily misconstrue the halacha and may wrongly compare situations and draw inappropriate conclusions. Similarly, a teacher must be sure to provide sufficient explanation for the halachos that he teaches so that the students can fully comprehend what is being taught.

**והגישו אדניו אל האלהים והגישו אל הדלת או אל המזוזה ורצע אדניו את אזנו במרצע ועבדו לעלם**  
**“Then his master shall bring him to the judges and shall bring him to the door or to the doorpost, and his master shall bore through his ear with the awl, and he shall serve him forever” (21:6)**

What is the significance of the law to pierce the ear of a slave who wants to stay longer than six years? Rashi explains that it is a punishment in kind for his sin. The person whose ear heard from Hashem that the Jewish people are the servants of Hashem should not have gone and acquired another human master for himself. Therefore, this ear is pierced. Along the same lines, the person whose ear heard "Do not steal" at Har Sinai should not have stolen and so the ear that did not listen is pierced.

The Chofetz Chaim writes in his introduction to Hilchos Shabbos in the Mishna Berura that if one sins with certain limbs, those limbs will be defective in the future, after Techiyas Hameisim, the revival of the dead. While the Chofetz Chaim discusses this principle regarding the future, perhaps this is the same idea behind the law of piercing the ear of the slave. Since he sinned by not taking to heart what he heard with his ear, the just punishment would be to inflict a blemish upon his ear.

#### מכה איש ומת מות יומת

**“One who strikes a man so that he dies shall surely be put to death” (21:12)**

Rashi asks: Why is this posuk necessary if the law of a murderer is also written elsewhere, in Parshas Emor? He answers that the posuk in Emor only mentions that he hit another person. One may have thought that one would get the death penalty for merely striking his fellow, even without killing him. Therefore, this posuk, which explicitly stipulates that the victim must die, is necessary to teach us that this possible conclusion is false and that the death penalty only applies when the victim dies. This Rashi teaches us an amazing lesson.

We must realize that striking another person is such a grave act that one could entertain the thought that it would warrant capital punishment. Knowing this should give a person cause for second thought before hitting another person.

**וכי ינצו אנשים ונגפו אשה הרה ויצאו ילדיה ולא יהיה אסון ענוש יענש כאשר ישית עליו בעל האשה ונתן בפללים**

**“When men will fight and they will jostle a pregnant woman and she will miscarry, but there will be no fatality, he shall surely be penalized when the husband of the woman shall impose upon him, and he shall give it through the judges' orders” (21:22)**

The posuk seems to switch from the plural form, “and they collide,” to the singular form, “shall cause to be assessed against him.” What is the reason for this change? The answer is that although only one of the two men hit the woman and only the one who actually hits the woman must pay, the other person is also responsible in the eyes of Hashem because he was involved in causing the harm to occur by getting involved in a fight. One is also held accountable for causing or persuading someone to do something wrong even if he did not actually do anything himself. Therefore, it is considered as if they both hit the pregnant woman.

**אלקים לא תקלל ונשיא בעמך לא תאר**

**“You shall not curse a judge, and you shall not curse a leader among your people” (22:27)**

Rashi writes that this posuk had a dual meaning. The posuk is a prohibition against cursing both Hashem and a judge. Why is a judge called by the name of Hashem? The Torah teaches us what our true attitude toward a judge should be. A judge who fears Hashem and decides a Din Torah must be viewed as a representative of Hashem and His word. The judge is Hashem's emissary to determine disagreements based upon Torah law. Therefore, one must approach the judge with respect and awe. To teach this idea, the Torah refers to a judge by the name of Hashem. We should also try to find our own individual rabbis and teachers who can be our personal connection to the word of Hashem and provide us with guidance in the way of the Torah.

### **Parshas Shekalim**

Why do we only give a half-shekel and not a whole one? The reason is that a person must realize that he is a half and not a whole and that there is always room for him to improve. This manifests itself in many ways. A person can always improve his character. He must set goals to be better than he currently is in order to become a better person. Additionally, a man is only a half on his own and needs a wife, a good friend and the help of Hashem in order to become a whole and succeed in this world. We must recognize that we are just half in our own right and there is always room for growth.

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