

Parsha Shiur by Rabbi Mayer Friedman

פרשת משפטים

אם יקום והתהלך בחוץ על משענתו ונקה המכה רק שבתו יתן ורפא ירפא
“If he gets up and goes about outside under his own power, the one who struck is absolved; only for his lost time shall he pay and he shall certainly heal him” (21:19)

According to the gemara in Bava Kama 85a, this posuk is the mandate for a doctor to heal sick people. The Rambam writes in Hilchos Nedarim (6:9) that this falls under the mitzvah of returning a lost object. Just as one must return a lost object to a person, he is also obligated, when capable, to restore his health. R' Moshe Sternbuch says that the Torah uses a double expression of healing to teach the doctor that if at first his treatments do not succeed, he should try again. Similarly, if one doctor does not work, the patient should try a different doctor.

The final mishna in Kiddushin declares that “the best of doctors goes to Gehinnom.” What is the meaning of this mishna? Rashi presents a few ways to understand this mishna. At times a doctor may feel invincible and does not feel that he needs Hashem. Also, there are times when a doctor has the ability to heal but chooses not to do so because the patient cannot afford it, leading to the patient’s death. Maharsha explains that the best doctor may feel prideful because of his professional abilities and will rely too heavily on his own diagnosis without feeling the need to consult a second opinion. It may happen that he will prescribe the wrong medications and will greatly harm or kill the patient.

עין תחת עין שן תחת שן יד תחת יד רגל תחת רגל
“An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot” (21:24)

The Vilna Gaon notes that although the Torah prescribes the punishment of “an eye for an eye,” a person who injures the eye of another is exempted by paying the value of an eye to the victim rather than actually losing his own eye. Nevertheless, the Torah still writes “an eye for an eye” to teach that the person really does deserve to suffer the same pain that he

inflicted on the victim but receives a special dispensation to pay instead. It teaches us how valuable our limbs really are. In fact, writes the Gain, the first letter of each of the four body parts mentioned in the posuk spells out the word עשיר, a wealthy person. One who has his health is truly wealthy. We should all recognize this and commit to use our physical abilities to serve Hashem.

כל אלמנה ויתום לא תענון

“You shall not cause pain to any widow or orphan” (22:21)

הקבלה writes that the word אלמנה can be split into two words meaning “no portion.” A woman’s portion is her husband because he takes care of her. The Torah teaches us to be extra sensitive to the widow because she is missing an important part of herself.

The Sefer HaChinuch (Mitzvah 65) explains the reason for this mitzvah as follows: “[The orphan and the widow] are weakened for they have nobody to petition on their behalf as their father or husband would have done if they were alive. Therefore, our perfect Torah exhorts us to acquire the traits of kindness and mercy in our souls and be straightforward in all our actions as if there were someone opposing us petitioning for them (and not take advantage of them because they have no protector). We should pity them and see their merits in all matters as even greater than those that would be presented if the father or husband were still alive.”

אם כסף תלווה את עמי את העני עמך לא תהיה לו כנשה לא תשימון עליו נשך
“When you lend money to My people, to the poor person who is with you, do not act toward him as a creditor; do not lay interest upon him” (22:24)

Rashi says that this is the one place in the Torah where the word אם refers to an obligation rather than a possibility. If so, why does the Torah choose to phrase the obligation to lend money in this way? R’ Dovid Feinstein answers that even though one does mitzvos because Hashem commands them, one should lend money as if he wants to do it, not because he is forced to do so. Even if he is doing it because it is required by the Torah, he should tell himself that he is doing it because it is a good thing to do. When he lends with this attitude, then he will not be a demanding

creditor because he will empathize with the poor man. The Torah phrases the obligation so that it appears to us as if we have a choice in the matter which will result in a better treatment of the poor borrower.

את חג המצות תשמר שבעת ימים תאכל מצות כאשר צויתך למועד חדש האביב כי
בו יצאת ממצרים ולא יראו פני ריקם

“You shall observe the Festival of Unleavened Bread; seven days shall you eat unleavened bread, as I have commanded you, at the appointed time of the month of springtime, for in it you left Egypt; you shall not be seen before me empty-handed” (23:15)

In Parshas Ki Sisa, on the posuk ושמרו בני ישראל את השבת, the Or HaChaim explains that the word שמר, “to observe,” also means “to anticipate.” He writes that the only way to keep Shabbos properly is through anticipating Shabbos. One who looks forward to Shabbos will be driven to learn the laws of Shabbos and will thereby keep it properly.

Rabbi Friedman suggests that we can apply this understanding of the word שמר to this posuk regarding Yomim Tovim which uses the same word. It is not sufficient to merely observe the Yomim Tovim when they arrive. One must anticipate them in advance and study the laws in order to be prepared for the holiday’s arrival. This is why Chazal tell us that there is an obligation to begin studying the laws of each holiday thirty days before its arrival. This is especially true of Pesach, the observance of which is governed by many halachos.

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