

# פרשת משפטים

גליון 22

כ"ז שבט תש"פ

מאת ר' ש. קאפלן שליט"א

(כ"א, א) "ואלה המשפטים אשר תשים לפניהם." *And these are the judgements that you shall place before them.* רש"י begins his commentary to this weeks פרשה by explaining that the 'ו' of ואלה is connecting this weeks פרשה to פרשת יתרו – (last weeks פרשה): **"מה"** *עשרה הדבריות – just as those which have been stated previously, the הראשונים בסיני* "הראשונים בסיני" – *just as those which have been stated previously, the הראשונים בסיני*, **"אף אלו מסיני"**, *so, too, these commandments which the תורה is about to state are from סיני.*

Why must the תורה inform us that פרשת משפטים together with its commandments, was also given at סיני?

When we take a look at the מצוות and דינים in משפטים; we could have assumingly thought about these commandments on our own accord, with our own common sense.

When you cause  
must pay for it. If  
after your animals –  
responsible.

**"THE תורה WAS GIVEN IN סיון – THE  
SUMMER. THIS HAPPENED IN THE MIDDLE  
OF A COLD WINTER?!"**

damage – you  
you don't look  
you will be

Most of משפטים theoretically, could have been self-understood. We could have thought it's all פי שכל.

Regarding the מצוות in last weeks סדרה we wouldn't understand without the תורה making us aware about it. Don't eat בשר והלב. Who would have thought eating meat and milk together is not allowed?

Then again, whereas, the commandments in פרשת משפטים to some extent we could have established on our own accord.

However, there is a great danger and threat when we look at a מצוה in the תורה with such an attitude. When we believe we understand the reason for a מצוה, it leaves an opening for great danger. Now that circumstances have changed, people will say, "Years ago when life was like this... then the תורה commanded us to do so and so... however, today this no longer applies."

If כלל ישראל fully understand the meaning of a מצוה, often, we will begin to change and tamper with the restrictions and limitations.

We see this in the secular world. What was the law twenty years ago, no longer applies today. They are always changing. One day this and one day that.

I remember a court case taking place where the witnesses were children. During the case, they changed the law in parliament that under a certain age, one can't give witness! One of the Jewish barristers there in court stood up and said a brilliant line, "The law might have changed, but the children haven't changed."

Three days ago they were believed. Three days later they are not believed. That's the secular world. Every twenty years they change things around.

Therefore, רש"י teaches: The תורה is telling us, "נאלה" – All the משפטים דינים in פרשת משפטים is מסיני. It's all from the רבש"ע and accordingly we mustn't look at it as *civil-law* which in later years perhaps we can tamper or interfere with.

There was a *yungerman* in Paris who spoke to אידן who were in university, where he insisted for there to be separate seating (although most of the אידן were not frum).

After his lecture, there was a set time given for questions and answers. One of the questions he was asked was, "In the 21<sup>st</sup> century why are we sitting separately?! Times have changed since the days of the תורה?"

This *yungerman* was given the ס"ד to answer correctly; he told them the following story: There was once a איד who wanted to travel to the fair in the nearby town. When he reached the town square, he realized that all the wagons had long left.

He noticed on one of the sidewalks, an old man with his old horse. However, the איד realized he wouldn't reach the fair on time with such a horse.

Realizing that this איד was in need to reach the fair, the old man asked, "Why don't you travel with me?!"

"You'll never get me there in time..." replied the איד.

"Of course I'll get you there in time," said the old man, "my horse is quality."

"You know what," replied the איד, "if you get me there in time, I'll pay you; if not, I'm not paying you a penny."

The old man shook hands, agreeing with the deal.

They began their journey and *taka* the איד was surprised, indeed the horse was going faster than he expected.

However, in middle of the journey, it started raining – it started pouring. The road was getting muddy and the wheels were getting wobbly. The horse was sliding, and the wagon was shaking.

To cut the long story short, by the time they reached the next down, the fair was over.

“Pay me!” cried the old man.

“Are you crazy – I’m not paying you, we agreed on a deal.”

“What can I do?” exclaimed the old man, “do I have control of the weather?!”

They entered into a big argument. Whose right? Does the איד have to pay?

After much discussion, they went to the towns Rov and they put the two sides down on the table.

After a few minutes the Rov announced, “They איד is free from paying.”

The old man was prepared to listen, however, he just had one request, “Rabbi! Just tell me from where did you learn this counsel?”

“I derived it from the תורה,” replied the Rov.

“It’s not fair,” answered the old man, “the תורה was given in סיון – the Summer. This happened in the middle of a cold winter?! You can’t bring a ראיה from your תורה!”

The old man couldn’t understand.

When הקב"ה wrote the תורה we understand, He didn’t only write it for three months. כי "1000 years for הקב"ה is like a day. (תהלים צ') "הקב"ה wrote the תורה for all of eternity. Never, will anything change. There is no such thing as time restrictions regarding the תורה.

Said the yungerman to these students, “We mustn’t speak about the תורה as if it has been outdated. לעולם ועד – הקב"ה wrote the תורה for eternity.”

For that reason, the תורה right at the beginning of פרשת משפטים comes to tell us, “Don’t make any mistakes. Nothing in תורה changes. ואלה המשפטים – even the parts we think we understand – it’s all מסיני – to remain and continue for all of eternity.”

Of course, we can try and understand a bit about the reasons for the מצוות. Nonetheless, we must be careful not to keep the מצוות because of these understandings.

The פרשה begins to tell us about a very interesting person. We have here a person, not *stam* a regular person, he's actually a thief. He stole from another איד.

Now, he hasn't got any money to pay for what he stole, so he is sold as a עבד עברי.

קידושין גמרא in teaches us how we must treat this עבד. We treat him like a king! The תוספות quotes the ירושלמי: if you only own one cushion, go and give it to the עבד! You sleep with your head on the floor and he sleeps with the comfortable cushion!

When he leaves your house after seven years you give him a going home present – הענקה! During those seven years you must provide his entire family with food! He might have ten kids!

In fact, the רמב"ם teaches: You can't eat white bread and give your עבד brown bread. You can't drink old wine and give your עבד new and cheap wine! You can't sleep on feathers and give to him to sleep on straw! You can't wear nice clothes and give to your עבד old and worn out clothes.

The list doesn't end. You ממש have to treat him like an אדון – a real master! The fellow is a thief. He's been sold to pay back the money he stole, and he is living in the most luxury way possible – like a king.

On the other hand, regarding the secular world, when a גוי steals they lock him up under harsh conditions... and after his sentence if he comes out normal, you hope he won't steal again.

Why does the תורה tell us to treat this thief like an אדון?

The story is told about the בית הלוי when he was once travelling late at night to a distant city with one of his תלמידים. Suddenly, a heavy snowstorm breaks out. He couldn't continue much longer; he knew he must find shelter quickly.

In the distance he sees an inn with a מזוזה.

The innkeeper is sleeping – wrapped up warmly in bed, and he is awakened to the knocking at the door. He opens the window and sees two אידן covered in snow.

“What do you want?” asked the innkeeper.

“We can't stay outside much longer,” replied the בית הלוי, “we're freezing to death.”

The innkeeper tumbles down the stairs in his pyjamas, opens the door and tells his guests, "It's in the middle of the night... I'm too tired tonight to make you your beds..."

The innkeeper goes back upstairs, and the two of them stay downstairs and lie down in the corner of the hallway.

An hour later there was a loud knock on the door. They heard the גבא of ר' אהרן קורדניירער screaming, "ר' אהרן קורדניירער is here – open up quickly."

The innkeeper heard the knocks, quickly got dressed and came downstairs to welcome the גדול הדור. He warmed up the fires and went to the kitchen to boil up some hot soup in honour of his guests.

As the Rebbe went to wash his hands, he saw the בית הלוי lying on the floor! He screamed, "What's the Brisker Rov doing on the floor!"

The innkeeper in the kitchen heard ר' אהרן's scream and immediately collapsed.

Once they revived him, he went to ask the בית הלוי for מחילה.

The בית הלוי said, "I'm not מוחל you. However, I will be מוחל you with one condition: next time you come to Brisk, you stay with me in my house."

A few months later, the innkeeper was passing through Brisk, and he took this opportunity to stay with the בית הלוי.

The בית הלוי treated him ממש like a king with tremendous honour taking care of all his needs. After his stay with the בית הלוי, the innkeeper exclaimed, "Now I understand why originally the בית הלוי did not want to be מוחל me. Then I was asking מחילה from the בית הלוי – I felt I had mistreated the בית הלוי. However, now I understand that every traveller and every guest must be treated respectably. Now you have shown me how to treat a traveller – a פשט'ער *mench*. The עולה was that I mistreated a traveller not necessarily the בית הלוי."

We mustn't get too carried away.

[ר' אליה לאפיון זצ"ל] once asked his תלמיד to bring him a cup of tea. His תלמיד started running!

"Why are you running?" asked ר' אליה.

"To bring the Rebbe a tea!" replied the תלמיד.

“When a איד at the age of 90 asks for a tea you don’t need to run...”]

The בית הלוי was teaching this person how we are supposed to treat a simple traveller.

Today, in the secular world when someone steals, the גוים have one interest: to punish.

They put this thief together with a bunch of other criminals.

The first thing they discuss is how they were caught!

I remember reading a statistic: 75% of prisoners who leave prison even after a long sentence, reoffend.

In prison they are not helping the criminal at all. They haven’t re-educated him. He is still going to stay with his rotten ways. He’s most probably going to steal again.

Whereas, in the תורה world – it’s the complete opposite. We’re not interested in just punishing the thief. We want to re-educate him, to make him into a real and decent *mench*. We want to make him into a better person.

As a בחור I remember visiting a 95-year-old who had written a thick book about twenty years in the Russian gulag. A phenomenal book about a איד who stayed strong the whole way through. He was never once מחלל שבת. He was ממש מוסר נפש for *Yiddishkeit*.

He writes there in his book many-a-time: Most people, if they came into the camp as an honest person, they left, either as a thief or a murderer. You couldn’t survive there without becoming a גנב. They were treated like such animals, that they automatically came into animals.

The תורה in פרשת משפטים is teaching us: The way to treat a criminal is by re-educating him. You show him how to behave. The מציאות is, when we treat people nicely, they will begin to treat others nicely. And *nebech*, people who are mistreated, unfortunately, will mistreat others. That is how it works.

When driving a person will realize: If you let somebody out before you at a junction, he usually will let somebody else out at the next junction. On the other hand, if someone pushes his way out, at the next junction, you will think to yourself, “I will also push my way out...”

If we respect and we are fair to others, they too, will begin to respect others.

Therefore, this fellow – a lowly thief, he stole. However treat him nicely! Because when treating somebody nicely he becomes a different person. Like this you re-educate him! You look after his family. You give him your only cushion. Treat him like a אדון!

This will educate a person. The best way to be משפיע on a person is by example. If you treat a person nicely, he will become a better person.

Educating others, educating friends. When you're nice to other people your changing them for the better.

The first רש"י of the פרשה continues and teaches why the פרשה about דינין is put next to the פרשה of the מזבח (at the end of last weeks פרשה). It's to teach us, "שתשים סנהדרין", *אצל המזבח*, you should place the סנהדרין next to the מזבח.

There is a deep connection between the מזבח and סנהדרין.

On the מזבח we offer קרבנות to הקב"ה. We must never think for a second that הקב"ה requires anything from us. הקב"ה needs absolutely nothing. He wants to only give us good. [As אמר לך, כי לי תבל ומלאה, תהלים, דוד המלך tells us in "אם ארעב, לא אמר לך, כי לי תבל ומלאה", תהלים, דוד המלך.]

Rather, when we bring a קרבן it's for our good, to be מתקן our נפש. We are receiving a כפרה. It's for us.

It's the same regarding the סנהדרין. When the סנהדרין kill a person, it's not a revenge, it's not to protect society. The סנהדרין kill a person because מיתה is מכפר for the רציחה. It's for the persons good – for the persons sake.

We don't get involved with protecting society. Rather, everything the סנהדרין do is לטובת האדם. To be מתקן the person.

"שתשים סנהדרין אצל המזבח" – they are next to each other, they are both לטובת האדם.

The whole פרשה of עבדים is not there to punish the person. It's there to educate him – לטובת האדם. It's there to make him into a better person.

We must learn from here this important lesson: When we feel mistreated or neglected, show them the inverse, in response treat them with respect! Just the opposite: act nicely in return.

The more we are good to others – the better people they become. The תורה is teaching us here: Treat the עבד like a *mench* – give him the white bread. More than just a *mench*, כקונה אדון לעצמו. That will re-educate a person.

We don't always have to understand the meaning – אף אלו מסיני – however, if we look into it just a little bit, we *taka* see the true חכמות התורה.

**"כל הקונה עבד עברי, כקונה אדון לעצמו"**

Transcribed by אברהם דוב הכהן כהן - Avrohom Dov Kohn.

All mistakes, omissions and errors are mine.