



פרשת משפטים  
Parashat Mishpatim

# “Mishpatim”

מתוך 'ליקוטי שמואל'

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## “If” It Is Not Really Your Money

Parshas [Mishpatim](#)

Rabbi Yissocher Frand

Parshas Mishpatim introduces the prohibition against being an oppressive lender, and of taking or charging interest on loans: “*Im* (usually translated as “If”) 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.” (Shemos 22:24). The *pasuk*, as formulated, seems rather strange because there is a positive *mitzvah* to lend money to a fellow Jew in need. Yet the *pasuk* begins with the expression “*Im kesef talveh...*” which implies that if someone decides to lend money, then the following *halachos* apply. The Torah does not use this (apparently) optional word *Im* in connection with the *mitzvah* of *tefillin* or *matzah* or any other positive *mitzvah*. We would expect the Torah to state emphatically “You should lend money to (the needy in) your nation” and then go on to specify the *halachos* inherent in lender-borrower transactions. The Mechilta already makes note of this question. The Tanna Rav Yishmael there says that the word *Im* here does not mean if, but rather it means **when** – when you lend money. But the

Ohr Hachaim Hakadosh wonders, why in fact did the Torah express the *mitzvah* to lend money in such a fashion?

The Ohr Hachaim explains it very interestingly. The "If" of "*Im kesef talveh...*" means If you see that you have more money than you need for yourself personally and you are wondering why it is that you have all this money and your needy friend does not have all that money, then you should realize that IT IS NOT YOUR MONEY! The surplus money you have is money that by right should go to the poor man, and it really belongs to *he'ani EEMACH* (It is really the poor person's money that happens to be deposited WITH YOU). In such a case, you should not be to him like a *NOSHE* (from the expression *nesius*) – don't lord it over him. It has nothing to do with your brains or your good luck. It is his money deposited by you, so you have no reason to lord it over him.

The Chassidishe Rebbe, Rav Yakov Yosef m'Polna cites a Gemara in Bava Basra (131b): If a person writes in his will that he is giving all his money to one son, that son is merely the executor of the estate (*apotropus*) for the other sons. Why on earth would a person give all his money to one of his sons, knowing full well that this will cause irreparable damage to the relationships between these brothers for the rest of their lives? So too, Rav Yakov Yosef explains, *Hashem* gave a considerable amount of money to certain of his children, but not so that they should consider all of that money to be theirs. They should view themselves as executors for distribution of the money to *Hashem's* "other children."

**The *Malach* Ensured That Esther Was Only "*Modeh B'miktzas*" to Achashverosh's Question**

The *parsha* contains *halachos* of *shomrim* (watchers): "If a man shall give money or vessels to his fellow to safeguard, and they are stolen from the house of the man, if the thief is found, he shall pay double. If the thief is not found, then the householder shall

approach the court that he had not laid his hand upon his fellow's property. For every item of liability – whether an ox, a donkey, a sheep, or a garment – regarding any lost item about which he says, *ki hu zeh!* ("this is it!"), to the court shall come both their claims. Whoever the court finds guilty shall pay double to his fellow." (Shemos 22:6-8)

When a person asks someone to watch something for him and it is stolen, any item about which the watchman says "*ki hu zeh!*" triggers a requirement for the watchman to swear to the owner. Rashi here brings the *p'shuto shel mikra* (simple interpretation of the *pesukim*), but then brings the *drasha* of *Chazal* on the words "*ki hu zeh!*": Namely, that an oath is not imposed on a person unless he admits part of the obligation. The Gemara derives from these words the halachic requirement of "*modeh b'miktzas*" – admitting part of a financial obligation. This applies classically to a loan situation. Reuven claims that he lent Shimon \$200 and he has not yet been repaid. If Shimon denies the loan ever took place, or he claims he already fully paid back the loan ("*kofer hakol!*"), he does not need to pay and he does not even need to swear on a Biblical level (unless Reuven has some type of proof to back up his claim). However, where there is a partial admission of debt, Shimon must take an oath to support his claim of partial payment. This is derived exegetically from this *pasuk* of "...*Asher yomar 'ki hu zeh...*".

The *sefer* Toldos Yitzchak explains how this expression teaches the *halacha* of "*modeh b'miktzas*". In order to appreciate the Toldos Yitzchak, we need to understand a little bit about Hebrew grammar. The word "*hu*" (he) is what is known as *lashon nistar*. It is "third person" (like he, she, them and that) and refers to someone out there, as opposed to someone in front of me. On the other hand, the word "*zeh*" (this) is what is known as *lashon nochach*. It

is “second person” (like you and this) and refers to someone or something in front of me. The complete denial of debt is *lashon nistar* (“*hu*”) because it is third person or distant from me. The admission of debt is *lashon nochach* (“*zeh*”) because it is second person or right in front of me. The combination of “*zeh*” and “*hu*” indicates something that is both right here and not right here – a partial admission (“*modeh b’miktzas*”).

With this principle, the Toldos Yitzchak gives a beautiful interpretation of a *pasuk* in Shmuel. The *Ribono shel Olam* told Shmuel to anoint one of the sons of Yishai as the next king of Israel. Yishai presented his oldest son, Elihu, and Hashem told Shmuel that he was rejected. Yishai presented his sons to Shmuel one by one and each one was rejected, until he came to Dovid, who the *pasuk* describes as “reddish in complexion with beautiful eyes.” (Shmuel I 16:12) At that point, Hashem told Shmuel: “Arise, anoint him, *ki zeh hu* (for he is the one).”

The Gemara says that Shmuel was hesitant to anoint this youngest son of Yishai. Shmuel could not believe that this was going to be the future king of Israel because he was reddish in complexion. Shmuel took this reddish complexion to indicate that Dovid was a murderer. (Red like blood.) The Almighty says, yes, his complexion is red like blood but he is “*yefeh aynayim*” – when he kills, he only kills with the authorization of *Beis Din*.

Eisav was also reddish in complexion. He was in fact a killer. However, while Dovid was a warrior, he fought with the authorization of the Almighty. Hashem said “*Ki zeh hu*” – the *ZEH* (what is in front of you) is in fact red, but what is hidden (*nistar*) in that the *ZEH* is a *HU*, a *melech Yisrael* who will only kill with the permission of the Sanhedrin.

Rav Meir Shapiro once similarly interpreted a *pasuk* in Megilas Esther. The Megila writes that when Esther invited Haman and

Achashverosh to her meal and told the king about the plot to kill her people, Achashverosh asked: *Mi hu zeh, v'eizeh hu?* (Who is this and which one is he?) (Esther 7:5) Esther responds, "It is...this wicked Haman..." (Esther 7:6)

Rav Meir Shapiro explains beautifully: Achashverosh hated the Jews just as much as Haman, so when he asks Esther "*Mi hu ZEH, v'eizeh HU?*" his question is "Who are you referring to? Are you referring to *ZEH* – the Haman that you KNOW wants to kill the Jews, as is obvious in front of you – or are you referring to the *HU* – the person who is also trying to kill the Jews but in a way that is not so obvious – that is hidden (Achashverosh himself)? Achashverosh is trying to understand – does she really know the 'score,' that I hate the Jews as much as Haman does?

Esther knew the score. Esther knew that it was the *ZEH* (Haman) and she knew that it was also the *HU* (Achashverosh). She pointed her finger and said "*Haman harah haZEH*" (THIS wicked Haman). The Gemara says she was really pointing at Achashverosh but a *malach* (an angel) came and pushed her finger away in the direction of Haman, so that she would not reveal to the king what she really understood about him.

## The Emphasis on Mitzvos Bein Adam L'Chaveiro

Parshas [Mishpatim](#)  
Rabbi Yissocher Frand

The 25th of Shevat is the Yahrtzeit of Rav Yisrael Salanter, the founder of the Mussar Movement. Yeshivas Ner Yisroel is, in fact, named after Rav Yisrael Salanter, who was the Rebbi of the Alter from Kelm, who was the Rebbi of the Alter from Slabodka, who was the Rebbi of Ner Yisrael's founding Rosh Yeshiva, Rav Yaakov

Yitzchak Ruderman. This year is Rav Yisrael Salanter's 140th Yahrzeit.

In 1983, which was Rav Yisrael Salanter's 100th Yartzeit, Rav Ruderman made a memorial in the Yeshiva for Rav Yisrael Salanter. In 1883, the year of Rav Yisrael Salanter's passing, the 25th of Shevat was on *Erev Shabbos Kodesh*, Parshas Mishpatim. There was not enough time on Friday to do the burial, so it was delayed until Sunday, the first day of the week of Parshas Terumah. Rav Yisrael Salanter's disciple, the Alter from Kelm, said the following eulogy on his teacher:

It is no coincidence that Rav Yisrael Salanter died *Erev Shabbos Kodesh* on Parshas Mishpatim. Why is that? It is because Rav Yisrael Salanter, among other things that he preached—after all, he founded the Mussar Movement—sought to elevate *mitzvos bein adam l'chaveiro* (between man and his fellow man). His goal was that the *mitzvos bein adam l'chaveiro* should be viewed as importantly in the eyes of the masses as the *mitzvos bein adam l'makom* (between man and G-d).

Unfortunately, we see that this is a common phenomenon even today. People go to great lengths in order to fulfill *mitzvos bein adam l'makom*, such as Kashrus, Lulav and Pesach, in the most optimum way (which is all well and good). But they do not give the same importance and the same alacrity to *mitzvos bein adam l'chaveiro*.

This was Rav Yisrael's life mission, and that is basically the theme of Parshas Mishpatim. At the beginning of the parsha, on the words "*V'Eleh haMishpatim*," Rashi says "Wherever we find the word *Eleh* (these), it excludes or minimizes whatever preceded it. However, when the word *Eleh* is preceded by a *vov*—as in *v'Eleh haMishpatim*—the intent is to append what follows to

whatever was mentioned prior.” The lesson, then, of the words “*V’Eleh haMishpatim*” is that just as the Aseres Hadibros (Ten Commandments), which were taught at the end of Parshas Yisro, were given at Mt. Sinai, so too the civil *mitzvos* in Parshas Mishpatim were all given at Sinai as well. In the eyes of the *Ribono shel Olam*, there is no difference between *Mitzvos* that are *bein adam l’makom* and *mitzvos* that are *bein adam l’chaveiro*.

Parshas Mishpatim is all about how to deal with people—how to deal with their cows, how to deal with their cars, and how to treat people. All these *mitzvos* are literally as important as the *mitzvos bein adam l’makom*. Therefore, the Alter from Kelm said that the timing of the passing of Rav Yisrael Salanter in the week of Parshas Mishpatim was very appropriate.

The Alter from Kelm added that the funeral itself took place on Sunday, at the beginning of the week of Parshas Terumah because Parshas Terumah discusses the construction of the *Aron Kodesh*, which houses the *Luchos*. This was very appropriate, because Rav Yisrael Salanter himself was like an *Aron Kodesh* and the *Luchos haBris* were deposited within his personality as well. I would like to share another *hesped* which Rav Yechiel Mordechai Gordon said on his Rebbi, the Alter from Slabodka. Rav Yechiel Mordechai Gordon was the Lomza Rosh Yeshiva in Poland. People from Baltimore remember Rabbi Samson who was a disciple of Rav Yechiel Mordechai Gordon. Rav Gordon eulogized the Alter from Slabodka as follows:

Why does Parshas Mishpatim begin with the *mitzva* of *Eved Ivri* (the Hebrew indentured servant) given that the laws of *Eved Ivri* would not be applicable until the laws of *Yovel* (Jubilee Year) would be in practice, which was totally not relevant for that



generation? Was there nothing more practical to teach them at this particular point in history?

Rav Yechiel Mordechai Gordon said that the Torah is sending us a message here. How someone treats a Jew is how one treats a Hebrew slave. A person must recognize that an *Eved Ivri* is not from the most elegant strata of Jewish society. He is a thief. Not only is he a thief, he is not a very wealthy thief, because if he was a wealthy thief then he would be able to pay back his theft. The reason he is sold into slavery is because he has nothing with which to repay his debt to society. So he is the lowest rung of society and yet, if we study how we need to treat such an individual (Rambam Laws of Slavery, Chapter 1), we become very enlightened:

We are not permitted to sell him in a slave market.

We cannot impose upon him *avodas perech* (back-breaking labor).

We need to provide him the same food, clothing, and living conditions as we do to family members.

All this prompts the Gemara to say, “Someone who buys a Hebrew slave, in effect, buys a master for himself.” (Kiddushin 20a).

This is how we need to treat a thief! So this is what Rav Yechiel Mordechai Gordon said about his Rebbi, the Alter from Slabodka, who was a *talmid* of the Alter from Kelm, who was

a *talmid* of Rav Yisrael Salanter: The

opening *pesukim* of Parshas Mishpatim are not just teaching how to treat a Hebrew slave, they are teaching how to treat everyone, because we are all—even the lowest of society—created *btzelem Elokim*, and must be treated as such.

That is why Parshas Mishpatim, which is the source of so many mitzvos *bein adam l'chaveiro*, begins with, of all people, *Eved Ivri*. If even an *Eved Ivri* needs to be treated such, how much more so does a person need to treat his neighbor, his friend, or anyone else with dignity and honor.

Rav Yechiel Mordechai Gordon had lived in Lomza. He lost his family in Europe, and then moved to New York and remarried. After he was in New York for a while, he went to Eretz Yisrael and was a Rosh Yeshiva in a Yeshiva in Petach Tikva with Rav Reuvain Katz.

I saw in a *sefer* that Rav Gordon's nephew came from Eretz Yisrael to America to visit his uncle. The nephew sent a telegram that he would be arriving about midnight. As it turned out he did not arrive at midnight. He arrived at 3:00 am. He was about to walk into the house when he noticed that his uncle (who was not a young man at the time) was waiting outside for him. He was shocked. He told his uncle, "You could have gone to sleep. You could have just left the door unlocked or left a note on the door saying where the key was. Why was it necessary for you to wait up for me until three o'clock in the morning?"

Rav Yechiel Mordechai Gordon answered, "It is because I wanted to make sure I told you something before you met my wife. I want you to call her '*Tanta*' (Auntie)." Rav Gordon was the young man's uncle but his second wife was technically not his aunt. Rav Gordon said, "She is so good to me and she takes such good care of me that I want her to feel part of the family. Don't call her Mrs. Gordon and don't call her by her name. Call her '*Tanta*' so that she can feel part of the *mishpacha*!"

Rav Yechiel Mordechai Gordon was *yafeh doresh v'yafeh mekayem* (he expounded beautifully, and he practiced what he preached). He talked the talk, and he walked the walk. All of us can preach about how you need to treat your fellow man with sensitivity, etc. etc. But listen to his sensitivity. He stayed up until 3:00 am to head his nephew off at the pass, so to speak, to instruct him how to talk to Rebbetzin Gordon with sensitivity. "Call her '*Tanta*' so she will feel part of the family."

That is the Torah of Parshas Mishpatim. That is the Torah of Rav Yisrael Salanter, the Alter from Kelm, the Alter from Slabodka, and that is our heritage as well. This is what the Rosh Yeshiva, zt"l, ((1900-1987)) always used to preach.

I remember that Rav Ruderman used to tell the following incident, which took place in his boyhood home of Dauhinava (Minsk). He remembers as a child: It was Hoshanna Rabbah, the *chazzan* went to the *Amud* to begin to *daven*, but the *shames* forgot to bring the *kittel* which is customarily worn by the *chazzan* on Hoshannah Rabbah. The President of the shul (or whoever it was) went over to the *shames* and made him feel like an idiot. ("How could you be such a *schlemiel*? Everyone knows the *chazzan* needs to have a *kittel* when he davens *Mussaf* on Hoshannah Rabbah)!

The *shames* felt lower than dirt.

Rav Ruderman commented: Think about it. Wearing a *kittel* is a *minhag b'alma* (mere custom). Embarrassing someone in public is an *issur diyoraysa*! It is far more severe. Of course, a person's prayers will be accepted without the *kittel* just as much as they will be accepted with the *kittel*. How must this *shames* have felt when he went home after davening that day. He was humiliated in front of the whole shul!

This is our problem, the Rosh Yeshiva used to say. We may act like the custom of the *chazzan* wearing a *kittel* on Hoshanna Rabbah overrides all Torah prohibitions. But embarrassing a fellow Jew—who cares about that? This is something the Rosh Yeshiva learned from the Alter from Slabodka, who learned it from the Alter from Kelm, who learned it from Rav Yisrael Salanter, who learned it from Parshas Mishpatim.

# Why would you give the sheep to the dog who failed to protect it?

Written by Rabbi Moshe Kormornick

**And you must not eat flesh of a mutilated animal in the field; throw it to the dogs (22:30)**

The verse tells us that if there is a mutilated animal among the flock, it should be given to the dog. The Daas Zekeinim adds that the mauled animal was part of the flock that was actually being protected by the dog. Yet, despite this, the Torah is teaching us that although the dog was not successful in his guarding, nevertheless, it should still be given the carcass in appreciation for every time he was successful in the past, as well as for his efforts guarding the other members of the flock.

This is an incredible lesson to us. One would have thought that specifically now would *not* be the time to reward the dog — after all, the wolf was only able to snatch the sheep because the dog failed in his role. Yet, the Torah is teaching us not to focus on others' mistakes when there are so many more successes to consider.

We can apply this message to so many areas in our life, especially in the relationships which matter most to us: our spouses, children, and friends. Everyone makes mistakes. Our role, when it comes to dealing with those around us is to at least put this mistake in the wider context of the entire relationship. If we do this, then the small error that might happen now and again is easily forgiven and quickly forgotten.

## Did you know the Melochim had an Off the derech moment??

Written by Benjamin A Rose

Right after the Pasuk tells us “Lo Sivashel Gedi BaChalev Imo” which tells us of the issur of Basar B’Chalav, Hashem tells us that he will send a Malach to watch us on the journey to Eretz Yisroel. What is the connection between the two? How is it that a Malach can be our protector? There is a rule that “Ein Kateigor Naaseh Saneigor”; our nemesis cannot be our patron.

The Malachim were not pleased when Hashem made man nor were they very pleased when Hashem gave the Torah to us. Shouldn’t this disqualify a Malach from protecting us and leading us to Eretz Yisroel?

There is a famous medrash that at the time of Matan Torah the malachim said to Hashem that Humans do not know how to keep the Torah and all its laws and therefore the Torah should stay in Shamayim with them. Hashem answered with the face of Avraham on Moshe Rabbeinu’s body showing how holy Jews could be With the Torah’s Laws. Hashem also reminded the Melachim that when three of them were sent to earth to visit Avrohom Avinu they ate Basar B’Chalav. It is this argument that made the Malachim abandon their claim to the Torah and enabled Bnei Yisroel to receive it with the blessing of the Malachim. Therefore says Rav Yehonoson the Torah tells us not to eat Basar B’Chalav right before Hashem sent a Malach to protect us to show that with this Mitzva we made peace with the Malachim and a Malach will be a wonderful guide to take us home to Eretz Yisroel.

## Money... You can’t take it with you!!

Written by Benjamin A Rose

Among the many civil and monetary laws in this week’s parsha is the Torah’s first mention of the prohibition against taking interest: “When you lend money to My people (ki tilveh es ami), to the poor person who is with you,

do not act toward him as a creditor; do not lay interest upon him.” [Shmos 22:24]

Homiletically, the Kotzker Rebbe offers an insight into this pasuk [verse] that differs from the p’shuto shel mikra [simple interpretation].

We learn in Pirkei Avos [Ethics of the Fathers]: “When a person dies, he is not accompanied by his wealth or by his jewelry or by his precious stones, only by his Torah and his good deeds” [Avos 6:9]. This Mishnah expresses a truth with which we are all familiar — “You can’t take it with you.” This idea is one of the recurring themes of the Book of Koheles, which deals at length with the futilities of this world. With that in mind, the Kotzker Rebbe gives a Chassidic insight into this pasuk.

The word ‘Tilveh’ which means ‘lend’ can also (by changing the vowels) be read ‘Tilaveh’ which means escort. The reading then is “If there is any type of money that will escort My people (to the World to Come) it is the money given to the poor person with you (as charity and kindness). That is the only type of money that will accompany a person to the next world.

## **Humor**

### **A Full Hound**

The brotherhood at congregation Beth Israel was having a poker night and when Barry Coleman arrived he was astonished to find his friend Allan playing at a table with a few men and of all things – a dog.

"This is a very smart dog," Barry said to Allan in disbelief.

"Not so smart," Allan replied. "Every time he gets a good hand he wags his tail."

### **You're Never Alone**

It's 15 year old Jonathan's first time at Jewish summer camp – Camp Kochavim in the Poconos. Together with 10 other teenagers from his bunk, Jonathan goes on his first “overnight” in the woods. There are no other people around for miles.

Emanuel, the camp counselor, asks Jonathan to help him unpack their survival equipment. As he unpacks, Jonathan finds ropes, hunting knives, torches, matches, compasses, flare rockets, walkie-talkie radios, and emergency rations. But what surprises Jonathan most is a sealed cardboard box with a Magen David on it labeled, "Ingredients plus recipe leaflet for making matzo balls."

So he says, "I don't understand this box, Emanuel. Why do I need to know how to make matzo balls? How is this going to help me if we get stranded somewhere?"

"You have to take my word on this, Jonathan," replies Emanuel. "Should, God forbid, you ever find yourself in a forest, with no food, with howling animals all around you, with no shelter from the cold, with darkness creeping in, and you're scared because all alone, you must take out this matzo ball kit and start following the instructions. And I promise you, within minutes, there will be at least 6 Jewish women around you telling you what you're doing wrong and what you must do to make the perfect matzo ball."

## The Murdering Mule

Yaakov, a farmer living in Israel's lush Galilee region was giving a tour of his farm to his new mother in law. The newlywed farmer genuinely tried to be friendly to his new mother-in-law, hoping that it could be a friendly, non-antagonistic relationship. All to no avail though, as she kept nagging him at every opportunity, demanding changes, offering unwanted advice, and generally making life unbearable to the Yaakov and his new bride.

While they were walking through the barn, Yaakov's mule suddenly reared up and kicked the mother-in-law, killing her instantly. It was a shock to all no matter their feelings towards her.

At the funeral service, Yaakov and his wife sat as well wishers paid their respects. The rabbi however noticed that whenever a woman would whisper something to Yaakov, he would nod his head yes and say something. Whenever a man walked by and whispered to the Yaakov, however, he would shake his head no, and mumble a reply.

Very curious as to this bizarre behavior, the rabbi later asked Yaakov what that was all about.

Yaakov replied, "The women would say, 'What a terrible tragedy' and I would nod my head and say, 'Yes, it was.' The men would then ask, 'Can I borrow that mule?' and I would shake my head and say, 'Can't. It's all booked up for a year.'"

## By the Rivers of Chelm

Berel and Schmerel, two of Chelm's least "intellectual" residents were by the river on opposite sides of the bank.

Berel: "Hello over there, Schmerel! How can I get to the other side of the river?"

Schmerel: "You schnook! -- you ARE on the other side."