

## פ' משפטים תשפ"ד

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### OFFSHOOTS

“And these are the ordinances that you shall set before them” (21:1)

After describing *kabolas hatorah* and the *aseres hadibros* the Torah immediately delineates the laws pertaining to interpersonal relationships. This teaches us that *bein odom lechaveiro* matters are an integral and vital part of the Torah, which must be observed at least as much as the laws of *bein odom lamokom* and shows how misled those *bnei Torah* are who may adopt various *chumros* but are less particular about being honest in their business dealings or careful about not hurting other people’s feelings etc.

The very first topic relates to the *eved ivri* who is guilty of theft. This is both because of the severity and the prevalence of *gezel*. When speaking about *gezel* in his speech before *ne'ilo* on Yom Kippur Rav Moshe Schneider would note that not only working people have to be careful about theft, but also Yeshiva *bochurim* and *avreichim*, because donors expect those learning in the institutions they support to dedicate themselves to Torah study, and, if they waste their time instead, they are guilty of theft. If they are to be seen outside the *Beis Hamedrash* altogether they are also guilty of desecrating Hashem’s name in public, which even Yom Kippur does not atone for.

Rav Moshe Schneider also noted that if Reuven talks to Shimon who is learning, thereby causing him to be *mevatel* his *limud*, Reuven is considered a *gazlan*, because stealing a fellow *yid*’s time and depriving him of the opportunity to learn Torah during that time is an offshoot of theft.

### ARKO’OS

Rashi (*ibid*): *Before them: but not before gentiles. Even if you know that they judge a certain law similarly to Jewish laws, do not bring it to their courts, for one who brings Jewish lawsuits before gentiles profanes the Divine Name.*

The Chofetz Chaim writes in the name of the *mekubolim* that the severest punishment awaits those who breach this prohibition of approaching *arko’os*.

In recent times so many people have been breaking this prohibition that we have reached the stage that secular judges in *Eretz Yisroel* are expressing surprise at the number of religious litigants availing themselves of the secular courts, and they wonder why they do not use their own religious courts.

There is a lack of public awareness that the secular courts may only be approached with the written permission of a *beis din*. As an aside, Rav Yechezkel Sarna expressed doubts whether even such permission was effective in the case of *Eretz Yisroel*, because in this country, in addition to the prohibition of going to *arko’os*, one also has to take into account the prohibition of *lifnei iver*, of causing the secular judge to commit the severe sin of adjudicating according to non-Jewish law, and a *heter* from a *beis din* is not capable of

overcoming that prohibition. However, the custom of the major *dayonim* is to permit approaching the secular courts on the basis of a *heter* from a *beis din*.

In any case, it is shocking that nowadays people who have gone to the secular courts without such a *heter* retain their respectable reputations, they come to *shul*, give *tzedoko* like good Jews, even though they have disparaged Hashem and His laws with their conduct.

### ***KIRUV***

*“If you buy a Hebrew slave” (21:2)*

The Chofetz Chaim noted that this section teaches us how much Hashem condemns a thief. A wealthy person is likely to be honored and feted even if his wealth has been amassed by dishonest means, and everyone knows it. By contrast, the Torah prescribes that if a thief cannot pay back what he has stolen, he has to be degraded by being in the service of another person for six years, and cohabiting with a Gentile maidservant.

On the other hand, unlike secular systems in which thieves are imprisoned, only to have their wayward ways reinforced by constantly sharing the company of fellow criminals, the Torah’s idea of punishment focuses not only on the restoration of the stolen object and degradation of the thief, but also on educating him. Thus, the Torah insists that the master must give his best food to the "slave". By witnessing such behavior, and generally being in a Torah environment, the thief is inspired to appreciate the beauty and justice of its laws, and is more likely to be rehabilitated.

The section of the *eved ivri* appears at the beginning of *parashas Mishpotim* because it is designed to perfect a person’s *neshomo*, and thus serves as a prototype for the other *mitzvos* in this *parsha*, which all have the same purpose.

This section also teaches us the correct approach to *kiruv*. On the one hand, we have to draw others closer to religion by demonstrating the beauty of the Torah [just like we draw the *eved* closer by providing him with drink and food and all his material needs, to the extent that the master must provide him with a pillow even if it is the only one in his possession], but, on the other hand, we also have to show them the moral abhorrence of their lifestyle [just like the thief is sold to become an *eved* and is provided with a Gentile maidservant]. By adopting this joint approach, they will be inspired to adopt the Torah way of life.

### **MRS. STERNBUCH’S PRAYERS**

*You shall not oppress any widow or orphan. If you afflict him - for if he cries out to Me, I will surely hear his cry (22:21-22)*

Rav Sternbuch’s mother was widowed at the age of 33 with 9 young children. Every year she would visit her husband’s grave on his Yahrzeit. She would cry from the depths of her heart and say: *“Ribbono shel Olom*, there are three partners to a person: You, the father and the mother. You have taken the father from my children, and I can’t replace him, so You, Who are all-powerful, must take their father’s place, and take care of my children’s education. You promised in Your Torah that You will surely hear a widow’s cry, so please

answer my prayer”. She would say that since she had prayed from the depths of her heart Hashem would surely answer her prayers.

Her supplications could be heard at a great distance and at first the non-Jewish guards at the cemetery were surprised by this great spectacle. They eventually got used to her annual prayers, but never ceased to be amazed at this Jewish mother crying out to Hashem and were moved by her pure belief in the power of prayer.

Indeed, Mrs. Sternbuch’s nine children and multitude of descendants around the world serve as famous testimony to the power of a widow’s prayer.

## **FORBIDDEN FOOD CAUSES HERESY**

“*And you shall be a holy people to Me, and flesh torn [tereifo] in the field you shall not eat*” (22:30)

When it comes to *ma’acholos asuros* we have to behave like “holy people” who adopt stringencies and ensure that any food entering our mouths does not have the slightest suspicion of being *treif*. For this purpose we have to stick only to the most reliable *hechsherim*, and avoid places where *shochtim* compete with each other as to who can *shecht* the most chickens or beef in an hour. Moreover, even when we are away travelling (“in the field”), we should not compromise the standards that we maintain at home.

*Kashrus* is the foundation of holiness, and, conversely, if someone stumbles and eats forbidden food, that causes a spirit of impurity to enter their heart, giving rise to bad character traits (see *Mesilas Yeshorim*, ch. 11).

The *Pri Chodosh* (Y.D. 1, 7) writes that in his generation since people were not particular at all about the *kashrus* they fed their children, most of them left the religious path, “and most of them are the audacious ones of the generation, and the fear of Heaven does not reside in their hearts, and, if they are rebuked, they do not accept the rebuke”.

Rav Chaim Brisker related that the Rambam received a letter from a rabbi that contained heretical ideas, and the Rambam replied: “Go and check the *shochtim* and *bodkim* in your community, because such questions do not occur to a Jewish person unless his soul has become contaminated”. The Rabbi went and checked, and it turned out that for 13 years he and the entire population of the town had been fed *neveilos* and *tereifos*, which had caused him to become contaminated with heretical thoughts.

One may not buy fruit and vegetables from a seller who claims that his goods have an excellent *hechsher* unless he presents a *kashrus* certificate from *rabbonim* of the town, because a seller does not possess credibility to testify about his own goods unless he has a presumption of uprightness (Y.D. 83:7), meaning that he is very careful to avoid any possible Torah prohibitions, and does not allow himself to get into any doubtful situations. Generally speaking, most sellers do not fit into this category. Moreover, the *Va’ad Arba Arotzos* already instituted that no food or wine may be consumed even from someone possessing a presumption of uprightness unless he possesses a *kashrus* deed from the head of a *beis din*. Consequently, one may not eat the produce even of a completely upright person unless he has an excellent *hechsher* (see also *Teshuvos Vehangos*, volume 2,

section 377). (On a related note, see also section 378 there that *kashrus* stringencies should be adopted by everybody, and not only by exceptionally righteous individuals).

### **DO NOT RELY ON COMMUNAL PRAYER ONLY**

*And you (plural) shall worship Hashem, your G-d, and He will bless your (singular) food and your (singular) drink (23:25)*

Why does the *possuk* switch from the plural to the singular? *And you shall worship Hashem* refers to prayer, “the worship of the heart” (see *Ta’anis* 2a), and the plural refers to *tefilla betzibur*. The singular tense in the second phrase indicates that even when the public prays together Hashem answers and blesses each individual privately based on his specific degree of concentration and devotion. In other words, despite the many advantages of communal prayer an individual cannot rely merely on the great power of *tefilla betzibur*, because since prayer is an “*avoda shebalev*”, a person rather has to make the effort to pray with proper *kavono*.

A person’s sins create *klippos* (impure forces; literally: “husks” or “shells”). Among other things, these prevent him from concentrating properly during *davening*. If a person does *teshuvah*, Hashem removes these *klippos*. We should therefore do *teshuva* before saying the *amida*. That is why we preface the *amida* by saying the *possuk* (Tehilim 51:17) “Hashem, open my lips, and my mouth shall declare Your praise”, which Rashi expounds (ibid): “Forgive me, so that I may have a reason (“*pischon pe*”) for declaring Your praise”.

### **CANCELLING GEZEIROS**

*“And Moshe was upon the mountain forty days and forty nights” (24:18)*

The number 40 is of great significance. For example, the *mabul* lasted for 40 days. Also, continuous prayer for a 40-day period for the sake of a specific purpose is a wonderful *segula*. Someone suffering from misfortune, who is in need of a *yeshu’o* should go to *shul* on a daily basis especially for the sake of the prayer, he should state what he is asking for, give money to charity, and afterwards recite the fourth book of *Tehilim* (chapters 90-107) and undertake *bli neder* that if Hashem will answer his prayers, he will say the *nishmas* prayer continuously for a 40-day period. Many people have had their prayers answered in this way. We must not lose sight of the fact, however, that the basis of all *segulos* is to trust in Hashem that He will help.

Moreover, *dinim* (judgments) should be distinguished from *gezeiros* (decrees). *Dinim* can be overturned through prayer, *segulos* and repentance, whereas *gezeiros* are much more difficult to overturn. This could only take place on occasions such as Yom Kippur or when we pray with tears throughout the year. We also have a tradition that if someone undertakes to pray the *yom kippur koton* prayer every month and engages in a dialogue with the Creator from the depths of their heart with tears to the best of their ability, that is also effective for overturning *gezeiros*.